A

True and Plain ACCOUNT OF THE DISCOVERIES Made in SCOTLAND,

Of the Late

CONSPIRACIES

Againſt

His Majeſty and the Government.

Extracted from the Proofs lying in the Records of His *Majeſties* Privy Council, and the High Juſtice Court of the Nation.

TOGETHER

With an Authentick Extract of the Criminal Proceſs and Sentence againſt Mr. *Robert Baillie* of *Jerviſwood.*

Extracted by Command of His Majeſties *moſt Honourable Privy Council of* SCOTLAND.

EDINBURGH,
Printed by the Heir of *Andrew Anderſon*, Printer to His moſt Sacred *Majeſty*, 1685.

A true and plain Account of the Diſcoveries made in Scotland, of the late Conſpiracies againſt His Majeſty, and the Government.

THE King's *Majeſtie* having, on certain great conſiderations, indicted a Parliament, to hold at *Edinburgh*, 28 of *July* 1681. Did render that Meeting the more illuſtrious, by nominating His Royal Brother Commiſſioner, to repreſent His *Majeſty* in it.

The *Fanatical-Party*, who let no occaſion ſlip, to promove their Deſigns, and to diſturb the ſettled Government, did at this time, uſe all their endeavours, to have as many of thoſe infected with their principles, elected Commiſſioners for the Parliament, as the little Power and Intereſt they had in the Nation could procure, and even where they could not hope to ſucceed, they had the inſolence to attempt, thereby purſuing cloſly what they conſtantly deſign, that is, pertinaciouſly to diſturb, where they cannot alter, and to found a Reputation to their Party, by much noiſe, though to little purpoſe.

At the time of meeting of the Parliament, their firſt conſult was to ſtrick at the Head, and by invading the Right of the Monarchy, to pull it down ſo far as to have the King, in the Perſon of His Commiſſioner, ſubjected to the ſame Rules and Inquiſitions, with other ſubordinat Members. The King by His Laws, having preſcribed Rules to thoſe who Serve Him in that Great Court, and Council: They, according to the Laws of their Leagues and Covenants, propoſe that the Parliament ſhould preſcribe the ſame to the King, conſonant enough to their beloved Deſign of Co-ordination in Power. Had this ſucceeded, they with this one Blow, had overthrown the Parliament, by laying the Commiſſioner aſide: But as men oft-times deſign bold Treaſons with abundance of Reſolution, yet are frighted from the Execution, by the danger, as well as uglineſs of the Crime, So this inſolent Reſolution dar'd not ſhew its Face, being ſtrangl'd by their own Fears: And ſeing they could not diſſolve the Parliament, they, in the next place, reſolvd to diſappoint the Deſign of it; and indeed, if the maintaining of an unjuſt Intereſt could warrand the action, they had reaſon ſo to do: For the *Fanatical-Party* having, by their own great induſtry, and the ſupine negligence (to ſay no worſe) of theſe Truſted by the King, to ſuppreſs them, not only kept up, but encreaſed their pernicious Brood; So that they began to appear formidable, both to the King and the Countrey: and one of their great Hopes, whereby their Party increaſed, being founded on the ſhort continuance of the Supply granted by the Nation, for maintaining the Forces, they could little doubt, but that all Loyal Subjects

would not only continue, but also further augment them, rather then leave the Seditious, in a capacity to disturb the Government. Therefore, as a necessary expedient to preserve *Fanaticism*, they resolved by all possible means, to hinder any continuation of the *Supplie*. But they soon found, that the Votes of their Party had neither number nor weight.

These well-natur'd Subjects, finding that they could not disappoint, thought it convenient to perplex; and since they could not do what they would, they resolv'd to do all they could. And albeit the late Earl of *Argyle*, and some others, who were under too great obligations to the King's *Majesty*, and *His Royal Highness*, to appear on the side of their Friends in the good old Cause; whilst the opposition was so bare-fac'd, and the hope of success so little. Yet lest their little Flock should be discouraged, they began then to animat them the more close, and (as they thought) undiscern'd methods. And now the Cause being in an apparent decay, they labour'd to refresh it, with its first milk, the Pretence of Religion.

Wherefore a new Security for Religion was proposed; And albeit our Laws had formerly provided, what was necessary for this; yet it could not be expected that those, who aimed at debate for Religion, should rest satisfied with what settled it. So the Doctrine of the Church, the Canons of Councils, and the Laws of the Kingdom being all lookt upon as nothing: *Argyle*, Sir *John Cochran*, *Salton*, the Earl. of *Tarras*, *Philiphaugh*, *Stairs*, *Gallowshiels*, and others of that Crew, would needs provide a greater security than these afforded; and indeed it was congruous for those who were tainted with new Doctrines, to desire new Sanctions: For this end they pressed a Committee, for drawing an Act to secure the Protestant Religion, which was no sooner proposed then granted: accordingly a Committee was appointed, consisting for the most part of West-countrey men, who upon short deliberation prepared a long Act, which at its first appearance in the Articles, was soon discerned to be an Invasion upon the Prerogative, under the name of a Defence for Religion, and not to have many more Lines than Incroatchments upon the Royal Right: whereupon it was rejected; and in place of it a general and plain Ratification of all the former good Laws, which had past for security of the Protestant Religion, was drawn, approven, and acquiesced in, by the Parliament. But Fanaticks are not of a temper to give over, for notwithstanding of this good Law, Murmurings were heard, Clamors were raised, and open Protestations were made for further security in Religion. Wherefore a new Committee was appointed, for preparing an Act to be drawn from the proposals for that end. The Party which clamored for the Protestant Religion (but in effect intending good Offices to the Fanatical party) did seek after what conduc'd to their by-ends, which as they were easily discovered, were as soon rejected: *Argyle*, Sir *John Cochran*, the Earl of *Tarras*, *Stairs*, *Philiphaugh*, *Gallowshiels*, and their adherents fall at last on an expedient, as they thought insuperable by the Kings Servants, and which would force them on the Dilemma of opposing Religion, or the Soveraignity. In

In the first Year and Parliament of King *James* the sixth, when the differences betwixt Queen *Mary* and many of the Nobility were in their greatest hight, and she forc'd to resign her Government, being a Prisoner; there were several Acts past in that, and some subsequent Parliaments, which incroached on the Prerogatives of the Crown, the King being then an Infant; and amongst others, that wherein the *Confession of Faith* was insert, had in it several Clauses altogether extrinsick to a *Confession of Faith*, for which that Act by its Title was chiefly design'd: And tho these Acts and Clauses which derogated from the Rights of the Crown, were often rescinded, or corrected, and the Prerogative fully vindicated in many succeeding Parliaments; yet these who intended more disturbance to the State, nor security for Religion, took occasion after their other Proposals were rejected, to offer the renewing of the said Act of the first Parliament of King *James* the sixth, as an expedient for securing the Protestant Religion, as it is there profess'd; concluding, that if that Act were renewed, it would derogate from the posterior Laws, which corrected what related to the Prerogative; or if the renewing of it were refus'd, they might take occasion from that refusal, to impose on the People, that the Kings Commissioner and the Parliament design'd not the security of the Protestant Religion: But the Parliament defeated both these Projects, by taking into the Test not that Act, but the Protestant Religion contained in it; for the Parliament was far from reviving, much less for inserting in the Test any part of that Act, which did incroach on the Royal Prerogative, the Episcopal Government, and Policy, or what ever was extrinsick, or contradictory to the Protestant Religion contained in it. This, as all other disappointments, incited rage in those who resolved not to be satisfied; and those pretended Patrons of the Protestant Religion, will overturn it, and tear the secureſt Test that could be made for it, rather then permit, that Monarchy and it should stand together; and finding that this Test, as it did absolutely secure the Protestant Religion, so in just consequence thereof, it knocked *Fanaticism* on the head: Therefore to work they fall against it, with all the force of their imaginations; and none appeared more violent then those who formerly with undiscreet violence had press'd it, whilst they hop'd to invenom it, with a mixture of the poison of the Covenant. But 'mongst them all, none acted with more industry, or more malice, then the late Earl of *Argile*, who being by Education and Choice sufficiently *Fanatical*, yet having dissembled it for a while, thereby to keep himself in the Government, and to draw it to a concurrence in his particular designs, and oppressions, whereby he kept a great Estate, defrauding all Creditors, and bringing many Families to beggary; he found this Parliament pry a little into these Mysteries, for they having made some motion in doing right to the Earls of *Errol*, *Marischal* and *Strathmore*, whose Estates were exposed for *Argiles* Debt, whilst he enjoy'd his own Estate, without owning a relief to them: Therefore, albeit in the beginning of the Parliament, he professed a fervour for carrying on of the King's Service, yet (his zeal to the Old

Cauſe, being prick'd on by this Invaſion of his new Right) in the courſe of it, none was ſo active, or uſed more indirect ways to diſappoint it.

But being over-power'd by the Loyal Members, who were Ten to One of the diſ-affected; albeit he, and other Sticklers, were allowed to word the Teſt at their pleaſure, and did accordingly add to it all thoſe Clauſes, which ſince hath given pretences of ſcruple to many who have refuſed it; yet no ſooner was the Seſſion of Parliament adjourned; but the ſaid late *Argile* induſtriouſly, firſt at *Edinburgh*, and afterward in traverſing ſeveral Shires, did inſinuate all the prejudices he could deviſe againſt the Tenor of the Teſt: Thereby endeavouring (and not without ſome ſucceſs) to increaſe the diſſatisfied Party, and fit the Nation the more for Combuſtion: So paſſing home to the Shires of *Argile*, and *Tarbet*, he fix'd the Clergy and Laity thereof in theſe ſeditious Sentiments. Thereafter he returns to *Edinburgh*, giving it out openly, that he would not take the Teſt; but to make his refuſal the more malicious, propoſes to his Royal Highneſs, and thoſe of the Government, that he might be allowed to take it with his own Explanation, which Expoſition he put in Writ, and diſperſed it; being of that Tenor and Contryvance, as to caſt all the Obligations therein looſe, making his Fancy the rule of his Religion, and his own Loyalty the ſtandard of his Allegeance, according to which he was only to ty himſelf.

His *Majeſties* Commiſſioner, and the Council, being well informed of his ſeditious Carriage, both in City, and Countrey, and fully confirmed in their Judgments, of his malicious Deſign in this his Paraphraſe on the Teſt; and finding that thereby he had not only perverted the Senſe of His *Majeſties* Laws, contrary to their true Meaning and Intention; but that he had endeavoured to ſhake the People looſe from their Allegeance, and make all Obligations thereto illuſory; and that by theſe Methods, he did with boldneſs and impudence, found a Schiſm in the Church, and Faction in the State, publickly owning them in the face of Council: On which grounds he was moſt juſtly purſued by the Kings Advocat, before the Soveraign Juſtice Court, and there by Learn'd Judges, and a Jury, not only of his Peers, but many of them his neareſt Relations; his Accuſation was found relevant and proven, and judged a ſufficient ground to infer the Pains appointed by Law for Treaſon.

Albeit his Father had been one of the moſt obſtinate, and moſt pernicious Rebels againſt the Royal Family, and that he himſelf had been educated in theſe Principles, and had entered early into thoſe Practices: and albeit it be notourly known, that his private Diſcontents and Debates againſt his Father, and the penury to which thoſe had reduced him, were the Motives which made him joyn with *Middleton* in the Hills, bringing no Power with him to that Army, and acting as little in it; but by aſſuming the Honour of what was acted by *Menaughton*: and that at laſt he was inſtrumental to break that Party by Faction; which though this was clearly diſcerned by *Middleton* at the time, yet he judged fit to diſſemble it, both for encouraging

encouraging the *High-landers*, and giving reputation to His *Majesties* Affairs, upon which account also at *Argiles*, then Lord *Lorn*'s earnest suit he did give Testificates to him of his own wording, which those of undoubted Loyalty did not require, and indeed were only useful to such whose Actions and Principles needed vindication; yet under pretence of these, together with the great Assistance of the Duke of *Lauderdail*, having attained to so immense Donatives from His *Majesty*; both in Estate and Dignity, it was not easie to believe, he should retain that hereditary Malignity, at least to such a degree as to become an open Rebel; *but the* Ethiopian *cannot change his Skin*; for albeit the Kings *Majesty*, and his *Royal Highness* were so far from any resolution of taking his life, that he was allowed all freedom in Prison, even after he was found Guilty; and that no further prejudice was design'd to him, than to take from him those Jurisdictions and Superiorities, which he and his Predecessors had surreptitiously acquired; and were used by him and them to destroy many honest and considerable Families, sometimes by stretches of Law, and at other times by Violence and Force, but always under shelter and pretence of these Jurisdictions: And that some reparation might have been made to his just Creditors, and some Donatives to those, whom he and his Father had formerly rob'd and destroy'd, for their Fidelity and Loyalty to their King: And the *Super-plus* (if any were) was intended for his Lady and Children; which was the hight of Clemency, there being indeed more Debt upon the Estate then the whole of its value: Yet being more conscious of his own Guilt then his Prince did apprehend, he dar'd not rely upon that Clemency, whereof he had tasted so plentifully; but abusing the favour of his open Imprisonment, for verifying of his other Crimes, he added this one, of breaking the Prison, and flying from the Laws.

No King but ours could after all this think of favouring his Family, but His *Majesty* will not only favour but restore, and before it was known that the late *Argile* had more Debt then Estate, in a Royal *Largesse*, He gifts more to his Children by thrice then their Father could lawfully give them, had he never been Forfault.

Could it have been thought that any Christian, or Gentleman, could have been guilty of Ungratitude to so benign and bountiful a Prince; and yet that the late Earl of *Argile*, did after the receiving so many Favours, and the profession and boasting of so much Loyalty; not only enter in a horrid Conspiracy for riling in Arms, but gave at least courage by his bold Undertakings to those who conspir'd the murther of His Sacred *Majesty*, and his *Royal Highness*; and this Conspiracy does demonstrate what was his meaning in that Paraphrase upon the Test, which Fools and Knaves have justified as very Loyal and Orthodox.

But with what forwardness *Argile* and others did enter into a Conspiracy for overturning the Monarchical Government, destroying the sacred Person of the King, and of his only Brother, and for pulling Ruine upon the three Kingdoms by a Civil War, the

evident Proofs of unſuſpect Witneſſes, and the concurrence of many authentick Papers and Documents with theſe Depoſitions, will not only ſufficiently prove, but amount to the quality of a Demonſtration, all the pieces being conſidered together; and with what earneſtneſs he acted, doth evidently appear from theſe following Evidences.

For ſhortly after *Argiles* eſcape, information was given from the Weſt that he had cauſed ſecure the Militia Arms of *Argile* and *Tarbet* Shires, as alſo a conſiderable quantity of the Kings Arms were given to him in Truſt, beſides a little Magazine which he had of his own, and ſome pieces of Cannon, and that he had employed ſome Merchants to bring Arms from abroad to be landed ſecurely in ſome of his remote High-land Caſtles.

And upon inquiry, one *William Campbel* Maſter of a Ship at *Newport Glaſgow* was found to be conduc'd for this end, as his Depoſition taken before ſome of the Officers of State doth clearly evince.

Edinburgh, the laſt day of *Auguſt*, 1682.

IN preſence of the Lords Chancellor, and Advocat, *William Campbel* Skipper at *Newport-Glaſgow*, being examined upon Oath, Depons, That in *March* laſt he was fraughted by *John Campbel* Merchant in *Glaſgow* for *Norway*, *France*, or elſewhere, for three Months certain, conform to a Charter-party produc'd by him; and about that ſame day he having deſired to know what could be his proſpect of his Voyage to *Norway* with ſo ſmall a Ship and Loading, he refuſed to tell him till he were at Sea, and being at the back of the *Lews* a day or two after they ſet off, the ſaid *John Campbel* then ſaid, now Skipper I will tell you the deſign of our Voyage, which is to go to *Norway* and loaden Dails, and out of that to *Amſterdam* and buy Arms, and to take in the ſame to *Cairnbulg*; and the Deponent having asked him what he would do with theſe Arms there, he anſwered, may not my Lord come to his own again, and have uſe for them; and the Deponent underſtanding theſe Arms were to be made uſe of againſt the King, the Deponent anſwered, that when he was made Burgeſs of *Dunbartoun* there was an Oath taken of him to be true to the King, and the preſent Government, as it is eſtabliſhed; and upon the Deponents refuſal to comply with him in the ſaid Voyage, he got the Ships Company upon his ſide, who beat and abuſed the Deponent; and having gone from that to *Norway*, he behoved to ſuffer all the Voyage; there being no Juſtice in theſe remote Places where he came to, from which, being upon their Voyage to *Holland*, the Ship was by Providence caſt away, for which they blam'd the Deponent, as having done the ſame wilfully. And this is the Truth, as he ſhall anſwer to God. *Sic ſubſcribitur*

Will. Campbell.

G. GORDON *Cancell.*

Edinburgh,

Edinburgh, the 14 of *January*, 1685.

IN preſence of the Secret Committee, the ſaid *William Campbel* being re-examined, adheres to his former Depoſition; and further Declares, that he offered to the then Lord Chancellor, to apprehend the ſaid *John Campbel*; but the Chancellor made no anſwer to him, but whiſpered the General in the Ear; and he heard afterwards that the ſaid *Campbel* had eſcaped. And this is the Truth, as he ſhall anſwer to God. *Sic ſubſcribitur*

Will. Campbel.

At the ſame time Surmiſes were heard, from amongſt the *Fanaticks* from all parts, of *Argiles* intention to land in the Weſt with Arms, and to raiſe that Countrey, and to joyn with the Weſtern Shires; and in Summer 1683, *Gordon* of *Earlſton* being apprehended at *Newcaſtle*, the Papers taken with him, and his own Depoſitions made upon Oath in *Scotland* did give good grounds for ſuſpition of ſome imminent Deſign, which apprehenſions were raiſed by a little accident which happened at the time; for upon the firſt noiſe of the diſcovery of the Conſpiracy in *England*, *Earlſton* being in Priſon in *Edinburgh* Tolbooth, the Keeper came in to viſit him, who found him aſleep; but he awakening at the time, the Keeper told him that now the Conſpiracy was broke out: How (ſays *Earlſton*) is *Argile* then Landed? of which expreſſion the Keeper having given notice to ſome Counſellers, *Earlſton* was examined upon the meaning of the expreſſion, who plainly confeſs'd, that both in *England* and *Holland* he had information of *Argiles* buying of Arms with intention to land in *Scotland*, and that at the ſame time he was informed that the *Engliſh* were to riſe in ſeveral places of *England*.

Alexander Gordon of *Earlſton his Depoſition, before a Committee of His* Majeſties *Privy Council, and two of the Juſtices.*

Edinburgh, the 25 of *September*, 1683.

Sederunt.

Privy Counſellors.	Juſtices.
The Earl of *Linlithgow.*	Lord *Pitmedden.*
Lord *Livingſton.*	Lord *Harcarſe.*
Lord Preſident of the Seſſion.	
Lord *Collington.*	
Lord *Caſtlehill.*	The Earl of *Linlithgow* elected Præſes.

Alexander Gordon being further interrogat upon the Interrogators given in anent the Conſpiracy in *England*, Declares, That the firſt time he heard of any deſign of riſing in Arms, was at the time when the competition was anent the Sheriffs at *Midſummer* was a year, and then he heard the Duke of *Monmouth* was to head the Rebels, and this he had from *John Nisbet* and one Mr.

Murray a Scots man then at *London*, and declares that in *January* laſt the declarant being in *Holland*, he heard by general report that the late Earl of *Argile* was to raiſe ſome thouſands of High-landers to aſſiſt the Rebels in *England* by making a diverſion, and was to get a Sum of Money for that effect, and that in *March* laſt he having received a Letter in *Holland* from *John Nisbet* then in *London*, he came over to *London*, where he met with the ſaid *Nisbet* and *Murray*, who told the Declarant, they deſign'd to riſe preſently in *England*, and to Rendezvous in ſix or ſeven places at one time, particularly at *Coventry* and *London*, and that they computed ſeveral thouſands in *York-shire* who were to joyn with them; that *Murray* deſired the Declarant to go along with him to meet with the late Lords *Ruſſel* and *Gray*, and the Lord *Wharton*, (but of *Wharton* they ſaid they were not very ſure, being a fearful man) and with Mr. *Ferguſon*, and ſpoke of ſeveral old Officers of *Cromwels* that were to be there, but the Declarant not being for the preſent riſing, ſhunned to meet with theſe Perſons, or any of them; and both *Nisbet* and *Murray* told the Declarant, that Sir *John Cochran* was with them, and heard from theſe two Perſons, that both the *Ceſinocks* were concerned in that Buſineſs: As to the Letter written by *Jo. N.* of the 20 of *March*, and directed for the Declarant at *Rotterdam*, declares that *John Nisbet* wrote the ſaid Letter, and that under the Metaphor of Trade throughout the whole Letter, is meaned the deſign of riſing in Arms and a Rebellion, and that by the word *Diſpatching the old rotten Stuff*, is meaned either the excluding the Sectaries from joyning with them, or deſtroying the Govetnment, both Civil and Eccleſiaſtical, which laſt the Declarant ſuppoſes rather to be the meaning of the words; and that by the *Factors* are meaned their Emiſſaries for carrying on the Rebellion; *and for that ſtrange thing that was to fall out that Week or the next*, the Declarant thinks is meaned the ſudden muſter of the Rebels; In the cloſe of the Letter which ſays, *Things are full as high as I tell you*, is meaned that the Rebellion was inſtantly to break out; And having met with *John Nisbet* after his coming from *Holland*, the ſaid *Nisbet* explained to him, that the Senſe of the ſaid Letter was, as is above-ſaid.

As to the little Letter direct to the Declarant under the name of *Pringle*, of the ſecond of *May* 1683, declares that the name of the Subſcriver which is blotted out, was ſo blotted before it came to his hand; but by the Contents of it, he knows it is from one *Robert Johnſtoun*, a Tennent or Vaſſal to the Lord *Gray* on the Border, and that the *Traders* and *Trading* there ſpoke of, is the deſign'd Rebellion; and that the ſaid *Robert Johnſtoun* offered to come into *Scotland* with the Declarant to have ſeen ſome of our diſ-affected People here, and to have met with them; and that *A. Y.* mentioned in the ſaid Letter, which the Letter ſays *laboured to undervalue the diſ-affected Party in* Scotland, which he calls *your Goods*, is the name of *Andrew Young*, who ſtays about *Newcaſtle*, whom he ſuppoſes to be a ſuſpected perſon, becauſe he was afraid Collonel *Struthers* would apprehend him; and that he ſuppoſes the way that that Letter came to his hand, was from ſome perſon that was

at

at a Meeting at *Tweeds moor* about that time, where were preſent ſeveral of theſe People that had Commiſſion from the ſeveral Diſtricts, but he himſelf was not at that Meeting. *Sic ſubſcribitur*

Al. Gordon.

Linlithgow *I. P. C.*

Follows the Letter direct be Jo. N. *which was found upon* Earlſton.

London 20 *March*, 1683.

Sir,

ON *Saturnday* laſt I had the occaſion of ſeeing a Letter from you, directed for Mrs *Gaunt*, in whoſe abſence Mrs *Ward* had received it, at the reading of which I was not a little troubled, conſidering my full reſolutions ſignified to you in my laſt; for effectuating of which I had ſpoke for Paſſage, and taken my farewel of Mother *Gaunt*, ſhe going into the Countrey: And that very Week I was ſet upon by that Gentle-man with whom I ſtay, and *Jo. Johnſton* with ſome others to ſtay but a Moneth, and if that did not accompliſh ſomewhat in hand to help *Trading*, then I ſhould be no longer detain'd: After I was prevailed to retract ſo far, I ordered *Jo.* who had time at command, to give you an ample account of matters; and withal *Jo.* was deſired by our Friends from *Scotland* to ſtand here in my place the like engagments of ſecrecy, *&c.* being taken, and thereupon I ordered him to ſhow you the grounds of my ſtaying, and to deſire if you inclined to croſs the Water to come this way, but ſince many are the confuſed, yea troubled thoughts that have poſſeſſed me for yielding, concerning which, as alſo my yielding to it, take the ſubſequent account.

In my laſt, or it precedent to it, I ſhewed you that *Trading* was very low here, and many breaking, which has made the Merchants (ſuch as they are) to think that *deſperate Diſeaſes muſt have deſperate Cures*; and while they have ſome Stock, it will be better to venture out, than to keep Shop and ſit ſtill till all be gone, and then they ſhall not be able to act, but let all go: Which reſolution I thought a thing not to confide in, ſeing the moſt of them are *Fire-ſide Merchants*, and loves not to venture where ſtorms are any thing apparent. But about my departing they ſhewed the model of Affairs in ſuch order, that I ſee venture they muſt, and venture they will; whereupon firſt demanded how our Trade would be carried on. Anſwer, they knew well what Goods had proven moſt prejudicial to the Trade, and therefore they thought to inſiſt upon Negatives, in which what ever I propoſed is aſſented to, as I find; and thus they thought beſt to ſtill ſome Criticks in the Trade: And by this means firſt to endeavour *the diſpatching the old rotten Stuff* before they order what to bring home next. This lookt ſomewhat ſtrange to me, but when I conſider all circumſtances, I think they for themſelves do beſt in it: For our Merchants I made account only to have had ſome ſtock for to ſet the broken

ores up again, and so bid them here fare-well, *and they to try their way, and we ours*; Since they think fit that some of these whom we have found (as you will say, when you hear them named), treacherous dealers in our Trade, consulted, and accordingly have done: Whereupon I fear, or rather hope that our Merchants, tho broke, will rather desire to live a while longer as they are, than joyn with such, *&c.* to advance the Trade; unless surer grounds of their fidelity be gotten, then is, or can be expected, and this is the bottom of all my sorrow. But to proceed, I find (if all hold that is intended) that they think it is almost at a point to set forward, if they had their *Factors* home, who are gone to try how the Countrey will like such Goods, as they are for, or against the making sale of. Friends, I mean Merchants, wrote to me, that after I had spoken to you, possibly you might come this way, the better thereby to advise them what to do in this case, for I have signified somewhat of it to them, but not so far as this, because I thought to have seen you long ere this time: But I hope you will not misconstruct of my saying, seing in it I designed nothing but advancement of *our Trade*; but once this Week these Factors sent for will be here, and then matters will *in instanti*, either off or on, break, or go thorow. Wherefore in reference to Friends, I desire you will advise me what to do, if you cannot, or think it not convenient to come here; if you do, let a Letter preceed, and if any *strange thing* fall out this * Week or the next, I will again post it towards you; I think when this and the next Week is gone (and no News come from you) that I shall set forward, being still so ready, as that in 12 hours I can bid adieu. The *Whiggs* are very low as well in City as in the Suburbs, all Meetings being every *Sunday* beset with Constables to keep them out, and what they get is stollen, either at evening or morning. This Winter many of the great Bankers and Gold-smiths in *Lombard-street* are broken and gone; The *Bantam* Factory in the *Indies* is taken by the *Dutch*; *Confusion*, *Confusion* in Town and Countrey, such as you never saw. Mrs. *Ward* and several others desire to be remembred to you. My endeared respects to your self and B. with the young men arrived. This I have writ in short, and in haste, expecting a Line with as great haste as you see is needful, for *Matters are full as high as I tell you.* Farewel.

* Nota, *That this Week His Majesty was expected from* New-mercat, *but came* 8. *dayes sooner, by reason of the fire.*

From your Friend and Servant, while

Jo. N.

Postscript. Be sure that you direct not for *Bednal-green*; but for me, at Mr. *Mead's* in *Stepney*, near *London.*

By this time the Conspiracy had broke out in *England*, and by the Papers sent down from the Council-board there to the King's Officers in *Scotland*; it was plain, that *Argile* and some other *Scotsmen* had joyned in the Conspiracy, as appears by what follows.

The

The Abſtract of the Engliſh Depoſitions.

THomas *Shepard* on the 29. of *June* 1683. depoſed, That Mr. *Ferguſon* told him of an General Inſurrection intended in *England* and *Scotland*, and that in order to it, Sir *John Cochran*, Mr. *Baillie* of *Jerviſwood*, Mr. *Monro*, Sir *Hugh Campbel*, and Sir *George Campbel* of *Ceſnocks* were come up to treat with the *Engliſhmen* about it, and that *Argile* had made a Propoſition, offering for 30000. pound to begin the Rebellion in *Scotland*, and to raiſe a great Force; and ere it were undone, he would begin it with 10000.

That Mr. *Baillie* of *Jerviſwood* told him frequently, what Steps were made in this, and that the Lord *Ruſſel*, &c. had agreed to raiſe 5000. pound, and that they expected the other 5000. pound to be raiſed in the City, which failing, the *Scots-men* were to go beyond Sea, and that *Baillie* told him, he had adviſed the Earl of *Argile* to accept of this 10000. Pound, and that he would remit it into *Shepards* hand, and that Mr. *Charleton* had undertaken to raiſe the 10000. pound. The ſaid *Shepard* declares, that he ſpoke with Commiſſar *Monro* ſometimes of this Money, and that Sir *John Cochran* knows of it alſo, and that *Monro* complained to him that it was too little, and that the delay of paying it would ruine them all: On the 24. of *Auguſt*, the ſaid *Shepard* declares, that *Baillie* did ſend *Carſtares* to him, to ſpeak further of theſe things, and that Sir *John Cochran* did alſo regrate the delay in payment of the Money, all this the ſaid *Shepard* depoſes upon Oath; as is contain'd in his Depoſition repeated in the following Proceſs, *Page* 23.

MAjor *Holms* declares, That he knew from Mr. *Carſtares*, that ſome perſon propoſed the raiſing of 30000. pound to be given to *Argile* for buying of Arms, towards his going into *Scotland*, and that 10000. pound was agreed upon, that the Duke of *Monmouth* and Lord *Ruſſel*, did ſend him word by *Carſtares*, that the Money was to be remitted to *Argile* for the ſaid end, and that he the ſaid *Holms* had writ ſo much to *Argile* at *Carſtares* deſire, that *Argile* did ſend to him many Letters in Cyphers, and that Mr. *Spence* knew how to direct them, that he ſhew'd ſome of *Argiles* Letters to *Carſtares*, and that *Carſtares* had often ſpoke to him, both in the *Coffee-houſe* and *Exchange*, about *Argiles* going into *Scotland*, to carry on the Conſpiracy: that he cannot Decypher the long Letter marked Number 3. nor can he poſitively ſay to whom it was directed, but was to have been carried by *Carſtares* to *Ferguſon*, and by him to the other chief men concerned in the Deſign: That the Letter marked Number 2, is from the Counteſs of *Argile* to her Husband, and that the Letter marked Number 5, was from *Argile* to his Lady, which he knew by a Mark on the back; That *Spence* went by the name of *Butler*, and that the late Earl of *Argiles* Letters were direct to him by *Spence*, That *Carſtares* told him, the perſons concerned had condeſcended to give 10000. pounds to *Argile*, that he did ſo write to *Argile*, and that *Argile* had writ to

him,

him, that 30000. pounds was the leaſt he could accept of; This was given in by *Holms* on the 3. and 7. of *December*, 1683.

Zechariah Bourn on the 10. of *December* 1683. before Secretary *Jenkins* depoſeth, That Mr. *Baillie* did ſit up a Night or two with Mr. *Ferguſon* in the Deponents Houſe, and that they went ſeveral times to the Managers of the Conſpiracy, that *Ferguſon* told him their main Buſineſs with the Conſpirators was, for getting 10000. pound promis'd to promove the Inſurrection in *Scotland*, and that *Baillie* was the cheif man in it next to *Argile*, that *Ferguſon* told him he was to go over with the Bills of Exchange, and that *Argile* was to command the *Scots*.

Robert Weſt declares, That *Ferguſon* told him that *Argile* would raiſe a ſturdy Commotion in *Scotland*, if he had but 6000. pounds; that *Ceſsnock*, Sir *John Cochran*, and other *Scots*, were come up to *London*, under pretence of treating for *Carolina*; but in truth to conſert matters for a Deſign in *Scotland*.

ON the 19th of *July*, 1683. *Hepburn*, a *Scots* Vagrant Miniſter declared, that he knew by ſeveral Hands and Perſons, that there was a Plot, and a riſing intended both in *Scotland* and *England*.

All theſe Depoſitions were taken in *England*, except *Earlſtons* and *Campbels*. After this, one Mr. *Spence*, who paſt under the name of *Butler*, being apprehended there, was ſent to *Scotland*. Major *Holms* declared, that *Spence* did paſs under the name of *Butler*, that he came over from *Holland* with a Cargo of *Argiles* Books, to diſperſe them, that he landed at *Harwich*, that he could open *Argiles* Letters, and was the perſon who directed many of *Argiles* Letters to him.

Theſe Proofs, with what occurr'd in *England*, were ſufficient to convince all men of the truth of this Conſpiracy; but the perverſneſs of *Fanatick* humors will neither admit of Confeſſion, nor Amendment: For albeit the Evidences did fully convince Juries and Judges: albeit Parties confeſs Aſſociations and Reſolutions to amend the Government in their own Methods: albeit ſome acknowledge deſigns to ſurprize the Kings Guards, others to have a Parliament called (whether the King will, or will not) to judge of the Government; and ſeverals with great remorſe reveal their own reſolutions to murder the Sacred Perſon of the King, and his Royal Brother, and they adhering to this Confeſſion; yet *Fanaticks* will neither believe it, nor allow others to do ſo, but with unheard of Impudence treat ſo weighty a Matter in Ridicule, as if they who before had acted all, which now could be feared ſhould be now eſteem'd incapable to fall in the like Actions, albeit they openly avow the ſame Principles: and bold Pamphleters adventure to impoſe theſe clear Proofs as apert Falſhoods upon the credulous World, and too many were ſo ill minded as to believe them. But

it's hoped, that what follows will convince all good Men of the truth of what was discovered, and silence all Libellers, if Darkness must give place to Light.

AT the time of the Discovery of the Conspiracy in *England*, several Letters, with two Keys for opening some mystical Words contain'd in them, were found with Major *Holms* and others, which Letters were known to be *Argiles* Hand-writ, by those who were acquainted with it, and afterwards being confess'd by the said *Holms* to be so; they were considered in *England*, and some imperfect Decyphers made of some of them there: many of which Letters, with the Keys, and these Decyphers were sent down to *Scotland*; but they appeared so perplex'd, what with Cyphers, what with other secret Contrivances in Writing, as that some who then had the chief management of Affairs there, by their supine negligence made but little procedure in discovering them: Until a Secret Committee was appointed by His *Majesty*, who considering that those Letters might contain Matters of importance; did apply themselves with earnestness to search into them; but finding them very intricate, and that the Decyphers which were sent from *England* did open nothing to purpose: They employed one Mr. *Gray* of *Crichie*, and gave him for the first Experiment, that Letter written by the Lady of *Argile* to her Husband, thereupon to make an Essay, which indeed proved more uneasie to unfold, then any of the rest; yet with much travel, he did very ingeniously discover, First, That every Cypher was made up of two Figures, Next, That every Letter of the Alphabet was denoted by three different Cyphers, which were promiscuously used in one and the same Word; As likewise that there was Mute-figures mix'd in with many Words, the more to confound the Discoverer: so that upon application of the triple Alphabet, hereafter set down, to this and several others of the Letters; it was found to open them exactly.

Of which first Discovery Mr. *Gray* having given an account to the Lords of the Secret Committee, they found it evident, and appointed the rest of the Letters, the *English* Keys, and all other Papers relating to that Business to be given him for his help in further Discoveries; all which being considered, it was observed, that the middle Alphabet of that triple one found out in *Scotland*, was the same with that found out in *England*, which was made use of by *Argile* himself in his Letters; yet his way of using it in his Writings was so perplex'd by the interposition of a great many Mute-figures, that tho the Key was found out there, yet some of the Letters could not be opened: And in full evidence of this first Discovery, the said Letter is afterward set down, both as it was written in the Cypher, and also as it was Decyphered, to which is added the triple Alphabet, the Warrand thereof,

The Letter from the Countess of Argile *to her Husband.*

Marked Number 2.

87887886804482, the 9 2315, 788982.

I Came here on *Tuesday*, where I found 70 4686442881788878 8246, 44 8444868817 81 81818382 44817026464482 4386 and the 70438983437088, 4, 8023261886 of the 874487182382 all the 8023261327 came 174426 to see 29,75 and 25 and 26 came with 29 43 came by an 2326131426 with all 151815 442618282326 and 43 82268984, I never saw 75 so 8944311413 for 43 12298228561032. We hear of a great Circuit Court hath been at *Stirline*, there were three Shires met there or 4. and M. of M. and the Kings Troop, and E. B. came with the Heretors of *Fife*, and his Troop. M. of M. went to *Glasgow*, but some of his Troop is at *Stirline*, and there were some of them sent to *Edinburgh* for an Prisoner they say they call *Smith*; and *Friday* last the 8. of *June*, 50 of the Kings Troop came with that *Smith* the length of an place they call *Inch-belly-bridge* as they go to *Glasgow*; there is they say a Moss, and near it a House and a Barn; and as they came near the Barn 8 armed men fired at the Gentlemen of the Guard, and shot dead one Mr. *Murray*, he had one Shot in his Forehead, 3 in his Body, and one in his Shoulder; and an other of the Gentlemen called *John Bannatine* was shot thorow the Arm and Side, his Arm broken to Splinders, that he is dead before this time; the Prisoner when he saw them, lighted off his Horse, and run to them, and got an long Gun from his Fellows and ran into the Moss; the Gentlemen pursued, but got none of them taken, but many is in pursuit of them. It's a horrid way for any that bears the name of Christians to associat persons to Murder on the High-ways: There is an Story going here that there was a Ship put in to *Newcastle* which had some Box from rebellious people in *Holland*, and when they came to Land, a Waiter came to search the Ship, and the Box was cast into the Sea, at which the Waiter called the Ship-Master to catch the Box as he would be answerable; so it's said, it was got and sent to the King, and that Jo. Br. and some of L. St. *Andrews* Murderers was come to *Scotland* to make trouble, but I would hope such a Crew shall never get fitting here nor harbour. I must here bid you adieu, I use not to write so much News as this is: I got not writ last Week, because poor 70261217181412 is sick, and I will not 88868927888132201488142627 to every 2322, I have got nothing done in my Affairs, our Trade goes ill on; but 16231318172384 will 171420548144 to 111410261020 I am sorry I 121022132322232817182216 for 29 I am this far on my way to 18222914261022 and to see 81321318142617 I shall give 20 account when I come back, and I fear till then I will not get writ, for my Boy is sick, I sent the Letter to 20 211028 who I saw on *Wednesday*, 43 told me he had received yours; but

but did not yet 2614101318 28 which I confeſs I thought a little ſtrange, being at leaſt 8 days with him 781822291828141343171826 to ſtay with 29 but 43 would not, but ſaid 7819221429 it was not meet 151828 nor 874415 for 43 to 8032 at this 17232927182710181318 thought none would be ſo 1802 as to take that 182043121021 not, I ſaid 75 never ſtood to ſhew his conſtant 19322243527427 to 29 and all that belonged to 43 20 21108820 is very 1129271814 17181426 doing that 43 18 hope hath no 242014272926 1822 and I hear, for 10 20 43 13232887 there is a 291026102213 to 20 121027281020171820 to get 43 24201012 but 2021 knows not yet; there was 221429142627291217 29102619 as has 1114 2 2171426 it makes 10 20 in 15141026 ſome 272921 14211317 1426 for 27244419182216 with 18222814261223211422141324182414201420 the 27281820 of their 17232682 832181426 10 1623 75 hath ſo 272818192014 13 for them all that hath procured 43 a great deal of love from the 12232228261032 and ſomewhat 142027 from others it's the 272826102216142728 thing tho it could not 1114 242623291422 they could not 161428 an 2811272310291028142818 20 they 281ock the 8844-8788 and 241032 a 16261828 131810 20 to 887081 4683864344-82 the 42 80708619 who 16142827 too great 131420 of 2123-221814 there was one here a 1514291426 of 29 that lives in 27102014 22. that was moſt 2922182927282032272931202213 17-181426 1132 on 24102810 2228 for ſpeaking 282614272322 I ſpoke to 20 21 for 43 but none befriended 43 or appear'd for him but 75 who did 1126182216 43 2315, the 282614272322 was only good of 29 the other tho the favorit of the 1220102619 was 15292213 10 20-321426 and Ja. 232018151022 28 2311272320291413 23 1129 28 1812292013 29261428 10 long Letter to 29 who I think 1710-241814 1114-2328171426.

Poſtſcript.

Let theſe News be known to your Scots Friends.

This Letter Opened.

Stirling *the 9 of* June

I Came here on *Tueſday*, where I found a great Meeting, E. *Perth*, M. *Mon.* E. *Marr. Gen. Dr.* and the Advocat, four Lords of the Seſſion; all the Lords came here to ſee W. F. and Q. and R. came with W. D. came by an order with all *Fife* Heretors and D's Troup. I never ſaw F. ſo vexed for D. countrey (here is in plain writing ſome Scots News till it came to this) I got not Write the laſt week, becauſe poor *Archie C.* is ſick; and I will not truſt my Letters to every one, I have got nothing done in my affairs, our Trade goes ill on; but God I hope will help me to bear all.

I am ſory I can do nothing for W. I am this far on my way to *Inveran* and to ſee my dear H. I ſhall give L. account when I come back: and I fear till then I will not get Write, for my boy is ſick. I ſent the Letter to L. Mat. who I ſaw on *Wedneſday*, D. told me he had received yours, but did not yet Read it, which I confeſs I thought a little ſtrange, being at leaſt eight dayes with him, I invited D. here to ſtay with W; but D. would not, but ſaid I knew it was not meet, fit, nor ſafe for D. to ly at this Houſe; I ſaid I thought none would be ſo ill, as to take that ill; D. came not, I ſaid F. never ſtood to ſhew his conſtant kindneſs to W; and all that belonged to D. L. Matl. is very buſie here doing what D. I hope hath no pleaſure in, and I hear for all D. does there is a warrant to L. *Caſtlehill* to get D. place; but L. M. knows not yet. There was never ſuch work as has been here, it makes all in fear, ſome ſummoned for ſpeaking with Intercommuned people the ſtile of their Horn, Eight years ago: F. hath ſo ſtickled for them all, that it hath procured him a great deal of love from the Countrey, and ſomewhat elſe from others, its the ſtrangeſt thing, tho it could not be proven they could not get an abſolvitor, they take the Teſt, and pay a great deal to *Tam Gordon* the Clerk, who gets too great a deal of Money, there was one here a Feuar of W. that lives in *Salen* that was moſt unjuſtly ſummoned here by one *Paton* for ſpeaking Treaſon, I ſpoke to L. M. for D. but none befriended D. or appeared for D. but F. who did bring D. off. The Treaſon was only good of W. The other tho the favorit of the Clerk was found a liar, and *James Oliphant* abſolved, O, but I could write a long Letter to VV. who I think happy be others.

Poſtcript.

Let theſe News be known to your Scots Friends.

Nota, *That after this Letter was Deciphered, the Letter* D. *which was denoted by the Figure* 43, *could not be found out, until the Secret Committee appointed the Kings Advocat and Sir* William Paterſon, *one of the Clerks of the Privy Council, to Examine the Counteſs of* Argile *upon the meaning thereof, who declared that it was no proper name, but wherever it was placed in the Letter, it ſtood for a Relative.*

The Clavis of this Letter

D. ſtands for the relatives he, his, their, him, *&c.*
VV. ſtands for *Argile*, and his Lady, or me, yours, *&c.*
L. ſtands for *Lorn*, conform to the Counteſs her Depoſition.
L. M. ſtands for Lord *Maitland.*
F.
Q.
R

The Key of Words, whereof two Copies were found with Major *Holms*, one of them being Mr. *Carſtares* hand Writ, and conſeſt by him to be the Key of their correſpondence, in which alſo there is an Alphabet different from the other three, for which as yet we have found no uſe; the middle Column is thought only to be Mute Figures, to confound the deſign of the Key. So that one word is only ſet down for another, as *Ker* ſtands for *King*, *Birch* for *England*, *Brand* for *Scotland*, *&c.*

King	40	*Ker*
D. *York*	71	*Corſe*
D. *Mon.*	39	*White*
E. *Roth.*	37	*Whit*
E. *Halifax*	43	*Whyte*
The Court	45	*Weſt*
The Councell	50	*Weſtli*
One of the Councell	57	*Eaſt*
The Torries	30	*Wiſtly*
The Whiggs	22	*Brown*
The City	18	*Wilſon*
The Mayor	27	*Watſon*
Sheriffs	31	*Brun*
Court of Aldermen	36	*Baxter*
Common Councell	35	*Barker*
L. *Ruſſel*	29	*Weſte*
E. *Eſſex*	32	*Wilſon*
Diſſenting Lords	47	*Browne*
Biſhops of *England*	61	*Wood*
The Clergy	65	*Child*
Non-conformiſts	64	*Chyld*
England	73	*Birch*
France	72	*Birche*
The States	44	*Heart*
The Prince	38	*Harwood*
Forces	17	*Hal*
Horſe	28	*Hilyard*
Foot	90	*Hickman*

1000 of the one or other, a tick after, and ſo forth a 100 a ſtroak after, thus.

his ſo many partners.

his ſo many neighbours.

Arms	75	*Chylde*
Money	80	*Hall*

100 or 1000 *lib. Sterl.* for the number 100 or 1000, with a ſtroak, or tick, as above, but the 5ves beneath, and the 10ths before, or a little figure underneath to mark the number.

ſo many aſſociats or ſharers with him.

Officers	81	*Ramſey*
A General	88	*Bartley*
Col. *Sidley*	95	*Ramſay*
Mr. *Holms*	53	*Barclay*
Commiſſar *Monro*	59	*Reid*
Sir *John Cochran*	49	*Rae*
Mr. *Carſtairs*	74	*Red*
Mr. *Stewart*	83	*Harlay*
M. *Athol*	84	*Harlaie*
M. *Huntly*	77	*Roſs*
Scotland	10	*Brand*
Council there	92	*Boid*
Chancellor	11	*Calender*
Queensberry	15	*Davidſon*
D. *Ham.*	93	*Boyd*
E. *Argile*	67	*Forreſt*
Scots Forces	66	*Forret*
Scots Fanaticks	42	*Goven*
Scots n. c. Miniſters	13	*Lands*
Scots Clergy	5	*Menzies*
The Weſt	6	*Maſon*
The High-lands	7	*Wright*
The South	9	*Maiſon*
The North	95	*Nairn*
Edinburgh	26	*Roſs*
The Caſtle	25	*Maſone*
Dumbarton	24	*Thomſon*
The Eaſt	20	*Tomſon*
The *Scots* Gent.	21	*Grein*
The Gent. at *Lond.*	94	*Gray*
The Borders	76	*Menzies*
Ships	99	Mr. *Berrie*

for their number a figure added

A Garriſon	98	*Berrie*
Religion	48	*Baſs.*
Popery	58	*Sibbet*
Papiſts	51	*Long*
Scots Nobility	52	*Sibit*

one of them a friend of *h.*

The Alphabet.

a	12
b	14
c	16
d	19
e	23
f	28
g	29
h	33
i	34
k	41
l	42
m	46
n	54
o	55
p	56
q	60
r	63
ſ	68
t	69
u	70
v	78
w	79
x	82
y	85
z	86
&	89

An Addition in the Key, written by Mr. Carſtares.

Old Friend	is	*Tome.*
Mr. *Kiffin*		*Biſhop.*
Mr. *Cox*		*Crafts.*
Lock		*Huxter.*
Ceſsnock		*Cozens.*
Jerviſwood		*Ball.*

To ſurprize	is	to ſpeak with.
To land		to go to.
To march		to deal.
To make priſoner		to agree.
To fight		to talk.
To diſarm		to help.
To kill		to ſee.
To give quarters		to hear.
To overcome		to find.

Here follows the Alphabetical Key, found out by the said Mr. Gray, *which opened the Countess of* Argiles *Letter.*

a	b	c	d	e	f	g	h	i	k	l	m	n	o	p	q	r	s	t	u	w	x	y	z	&
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	46
70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94

The next Letter Decyphered by the foresaid Mr. *Gray*, answering exactly to the middle Alphabet of the said Key; was a little one written in a Paper, and inclosed in a Letter to Mr. *West*, at Mr. *Staples* in *South-wark* Coffeehouse, in *Bartholomew-Lane*, *London*, dated the 24 of *June* (the Letters direct to Major *Holms* being declared by *Spence* and Mr. *Carstares* to pass under this kind of Direction,) which little Paper inclosed within the said Letter, here follows both in Cypher, and Decypher.

A little Letter written by Argile, *all in Cypher, and confounded with Mutes.*

3267484525432451264144365140434469283726545648575352394456274744294857
3950535758225353405048525857645459565453574457685847564842445169215644 43
5751404344285456535453584858485352205345445944566267584748524632514846 47
5857444259564439415640524360485847535958404153616458474452585343444050 44
6048584741485642474159584858485752535858405049485246604850435344485864 60
4740584857744054445244435244444357525358474852434456415958574753595043 45
5956584744564451.

The said Letter Decyphered.

32 67 If 25 D. 24 M. 26 be 36 made 69 28 37 26 Prison 39 er 27 he 29 is 39 lost 22 to all Intents and Purposes, 68 thrice M. 6921 Reds made 28 Proposition 20 of every 67 thing 32 might secure 39 Brand without a Box, and then to deal with Birch, but it is not talking will do it, and what is hapened needs not hinder but should further 'em.

This Letter was opened by the middle Alphabet before set down: so the significant Figures read thus in plain Writing.

**Monmouth* IF D.* M. be made Prisoner, he is lost to all Intents and Purposes, thrice Mr. Reds made proposition of every thing might secure Brand without a Box, and then to deal with Birch: But it is not talking will do it, and what is happened, needs not hinder, but should further 'em.

By M. Red, Mr. *Carstares* is signified, Brand is *Scotland*, and Brich *England*, according to the Key of Words, which was found with Major *Holms*: Mr. *Carstares* Deposition insert in *Jerviswoods* Process will further inform as to the tenor and intent of this Letter.

This

This Letter was writ in all probability after that he heard, that the Conſpiracy was diſcovered; for the plain Letter in which this Cypher was incloſed, ſeem'd to be a part of his Lamentations.

The Letter follows.

24 *June.*

Sir,

I Have received yours 19 inſtant, with the incloſed, which is indeed ſad; yet God guides the World, and all will work to the end he intends, and what he purpoſes will at length prevail. I had newly read the firſt Treatiſe of the big Book you ſent me, pray read the laſt Lines of the 3*d* Chapter, *pag.* 152 of that Treatiſe, and if you pleaſe ſome Leaves before, and the 20 that follows, he miſtakes the calculations of the numbers of Years, but the matter looks as like our preſent Circumſtances as any ſuch thing can do, if the Party were alive he could ſay little more: What you writ will make me long to hear again: Our Scribe it ſeems is an unhappy man: Deſire M. B. to buy me B. *Vſhers* Prophecy, which I have ſeen in Print by it ſelf; and if it be poſſible to get me a Copy of that little Book you once lent me, wherein is a Speech I copied; he may look for it.

This Letter was alſo direct to Mr. Weſt.

By theſe two Letters, it appears; That albeit by the Providence God the Conſpiracy was diſcovered, and the Deſigns thereof defeated, yet nothing would either divert or deterr *Argile* from proſecuting ſo glorious a work: For ſo he had promiſed before it was diſcovered, by ſeveral of his Letters; as appears particulatly by one direct to Mr. *Weſt*, dated 19 *June.*

Another addreſſed to Holms, *marked* n. 4.

19 *June.*

Sir,

THis Morning I received yours, 15 inſtant, but can ſay little till I meet with Mr. *Red*; only you may be ſure, it will not be a ſmall matter will make me deſert your Service, and eſpecially no concerns of my own: and none ſhall be more ſparing of your credite that underſtands the Trade. I doubt not after I have ſpoke with him, to convince you of what I ſhall then give you as my opinion, and leave the iſſue to God Almighty. I am very ſenſible of all your kindneſs to me, and of good honeſt *M. L.* pray return him my thanks: As for my other Friend that is the life of all, pray tell him I muſt once ſee him before I need that you offer to ſend me, it will be then time enough to diſpoſe of it; and if it be

made uſe of, I hope he ſhall hear of it to his ſatisfaction: I perceive by it, he hopes well of me: It made me ſmile when I read your Letter: When I know that Mr. *B.* is with you I can write at greater length of all your Affairs. I will now long to hear how the laſt Parcel of Goods I ſent you pleaſes the Merchants, they were long of coming, but I hope are not yet out of time, and what ever the fault is may be helped in the next Parcel. *Adieu.*

Haſte back. *M. B.* direct the incloſed by his advice.

Directed,

Mr. *Weſt*, at Mr. *Shepneys South wark* Coffee-houſe in *Bartholomew Lane.*

London.

Here follows another Letter, marked number 5. *direct by* Argile *to his Lady, of the ſame date, which was known by Major* Holmes *to be for the Counteſs, by a particular mark upon the back of it, which he ſhew to his Examinators.*

Sir,

THis is only to tell you that all your Friends here are in health (God be thanked) our news from *England* are very various and uncertain, and Mr. *B.* is gone to *London*, and to return in a Moneth, or leſs; I doubt not he will write to you: I have heard nothing from 80, nor 80, 81. theſe ſix Moneths. *Adieu.*

The Decypher of the ſaid Letter.

THis is only to tell you that all your Friends here are in health (God be thanked) our news from *England* are very various and uncertain, and Mr. *B.* is gone to *London*, and to return in a Moneth, or leſs; I doubt not he will write to you: I have heard nothing from *L*, nor *L*, *M.* theſe ſix Moneths.

This Letter is Decyphered by the foreſaid Alphabetical Key, and by the Counteſs of *Argiles* Depoſition, the Letter *L.* ſtands for *Lorn*, and the Letters *L*, *M*, for Lord *Maitland*.

Mr.

MR. *Gray* of *Crichie* having conſidered theſe following Letters of *Argiles*, which after diſcovery, were found to comprehend the Deſigns more plainly, and finding ſuch a perplex'd contexture and in-coheſion of the Words, as he had not obſerved, at any time before, in this way of Writing: He concluded it to be a work of very great difficulty to open them; yet his ſucceſs in former Diſcoveries, gave him encouragement to make an attempt. But in the mean time, having informed the Lords of the Secret Committee, that it appeared from the Poſtſcript of the long Letter (where *Argile* ſays, in plain Writing, that Mr. *Butler* (which is *Spence*) knows how to write to me, and underſtands my addreſs, and to inſtruct you; and if not, he had loſt ſix hours work) that the ſaid Mr. *Spence* could do the buſineſs: And they finding, that what was already Decyphered, did give ſuch evidence of a Conſpiracy and Treaſonable Deſigns againſt the King, and His Government, which being joyn'd with *Earlſtons* Depoſition, and the Letter taken upon him from *Jo. N.* they judged themſelves bound in Duty, to offer what was diſcovered to the conſideration of His *Majeſties* moſt Honourable Privy Council in *Scotland*, and thereupon, according to the Law and Practice of the Nation, did call before them the ſaid *Spence*; and after all Arguments of perſwaſion and command were uſed, and theſe Paſſages in *Argiles* Letter, whereby it appeared he was inſtructed to open them, were repreſented unto him; yet (notwithſtanding of his Duty and Alledgeance to his Prince, and that it was judicially declared, that what he Depoſed, ſhould not militate againſt him) he ſtill refuſing to open the Letters, or to depon that he could not; yea, not ſo much as to anſwer other Interrogators, which did ariſe from matter of Fact clearly proved againſt him. They afterwards proceeded to Torture, according to the cuſtom of Nations, in the like Caſes, which had its deſired effect. For upon the day of *Auguſt* 1684, he not only acknowledged that he was the Mr. *Butler*, or *M. B.* mentioned in *Argiles* Letters; but alſo undertook to ſhew the way of reading the following Letters, to the then Theſaurer Deput, now Lord Secretary, and to the Lord Regiſter, upon their promiſe not to divulge the ſame (which accordingly they performed) and ſo he gave in a Copy of the Letters opened. But Mr. *Gray* (after ſome pains taken) underſtanding from the Lord Regiſter that all the Words of the Letters were ſignificant Words, whereof he had formerly been doubtful; there being of 1024 Words in the long Letter, 800 Mono-ſyllabs, he did fall upon the way of opening theſe Letters, which not only did confirm the Senſe Mr. *Spence* had given of them; but made it a Demonſtration: ſo that by the way of Opening afterward ſet down, the Matter was more clearly proved, then it could have been done by the atteſtation of many Witneſſes: By which was diſcovered both the blackneſs of the Treaſon, and the great care taken for keeping it ſecret.

For, 1. Things were expreſs'd under new Words; ſo that indeed upon the matter it is a New Language. 2. Theſe Words were written in Cyphers. 3. This Cypher conſiſted of a Triple Alphabet. 4. Many Words were intermix'd with Mute-Cyphers. 5. In ſome of theſe Letters, all the Relatives were expreſs'd by Figures, as in the Lady *Argiles* Letter, the Figure 43, or the Letter D, ſtands for the Relatives *He*, His, Him, *&c.* 6. That tho Mr. *Spence* was inſtructed to ſhew the way of reading the following Letters, yet he knew nothing of the purpoſe contain'd in them, all the material Words being in Cypher. 7. The words in the long Letter, were ſo ordered, that 254 Words in courſe were interpoſed betwixt the 1 and 2 Word in Senſe, and as many betwixt the 3 and 4, and ſo forth to the laſt Word of the Letter: then beginning with the 2 Word there was 252 Words betwixt that and the next in Senſe, and ſo forth till they came to the *penult* Word: again beginning with the 3 Word of the Letter, betwixt which and the next in Senſe: there interveen'd only 250 Words, and ſo forward to the end. 8. In the ſhort Letter 62 Words were interpoſed betwixt the firſt and ſecond, and ſo to proceed as in the other. By which unequal deſtribution and gradual decreſce of the interjected Words, the method of reading became the more myſterious and intricate; But the way fallen upon by Mr. *Gray* giving ſo clear and convincing evidence of the Method, it leaves no ground of doubt concerning the Matter: For in the long Letter there being 8 Colums, and each Column containing 128 Words, *Argiles* way of uſing them is, he begins at the head of the firſt Column, and proceeds to the foot of it, then beginning at the bottom of the ſecond Column, he riſes to the head thereof, thereafter begins at the top of the 3 Column, and goes on after that manner till he come to the upmoſt Word of the 8 Column, which tho it be laſt Word in order, yet it is but the 8 Word in Senſe: Whereby all the Words were plac'd in their right Senſe and plain view, as the Letter both in its Mask and Decypher doth clearly evince; yet one Word being added or abſtracted in the ſaid order of the Words, the Letter ſhould retutn to its firſt *Chaos* of Nonſenſe. The Letters follow, together with their Decyphers, and ways of opening.

This is a Letter wherein Argile *gives an account to his Confederats in* England, *of the proceedings of the Kings Miniſters in* Scotland, *thereby endeavouring to diſparage them, all written with his own hand.*

WEſt much way daily at I if with 6941535847594450332 2 then or 4253514857485352 or a if to 5644693941445057 at in 5744525844524244 of he cauſe other to keep and alſo did 58445240525357 perſons any thing they of any if gave any Mr. *M.* did thereof knew theſe and relation 39505360435352 and go he 585644405862 any with any in or 3648525844564253

5159

5159524445 he ſend *Air* to be 405040565144 43 *Sheils* is as done extremities to them knew 39514852485758445657 if 4056 51445766 others any other and knew to if or to if perſons of and imploy 384250445649 perſon him any thing others ſay they pleaſe will to to of money out of him if their now he the 31574457 525349 he 233246504057465360 who who of perſon did or they or any to a here where any arived the and you are 584452445258 you that others converſed ſince write to the was imployed and knew or preſent kept with going 446950 to the of for the perſwade go be for fear found to or above that the 384248564259 4858 go 6942 4457525349 away drawn correſpondence 4653594456514 45258 any of 474051485058 5352 Mr. the 4948524657 my or and with at had for of 485258445653464058535657 are as preſident is deſirous things given 44 the privat or the if ſend 50 party perſon *M.* to any other and with and or or to 425359565854535658445957 effect named diſſwade the to or money ſwear 56444144 50485352 any perſons and roll to 33224650405746 5360 any the if any black 6053435738 place meeting the *C.* and for *M.* any they Rebels before meeting Stile *L.* in go what as

lib. ſs.

There reſts juſt 32----8

The Deciſpher of the foreſaid Letter, as it was done in England, *with ſome amendments here, which anſwered exactly with the middle Alphabet, found out in* Scotland.

WEſt much may daily at I if with 69 *Bothwel* 33 22 then or *Commiſſion* or a if to *Re-* 69 39 *bels* at in *Sentence* of he cauſe other to keep and alſo did *Tennents perſons* any thing they of any if gave any Mr. *M.* did thereof knew theſe and relation 39 *London* and go he *treaty* any with any in or 36 *intercommuned* he ſend *Air* to be *alarmed Sheilds* is as done extremities to them knew 39 *Miniſters* if Arms 60 others any other and knew to if or to if perſons of and imploy 38 *Clerk* perſon him any thing others ſay they pleaſe will to to of Money out of him if their now he the 31 *Ceſsnock* he 23 32 *Glaſgow* who who of perſon did or they or any to a here where any arrived the and you are *Tennent* you that others converſed ſince write to the was imployed and knew or preſent kept with going E. 69 L. to the of for the perſwade go be for fear found to or above that the 38 *Circuit* go 69 *Ceſnock* away drawn correſpondence *Government* any of *Hamilton* Mr. the *Kings* my or and with at had for of *Interrogators* are as Preſident is deſirous things given E. the privat or the if ſend L. Party perſon M. to any other and with and or or to Court *Porteous* effect named diſwade the to or Money ſwear *Rebellion* any perſons and Roll to 33 22 *Glaſgow* any the if any *Blackwoods* 38 place meeting the C. and for M. any they *Rebels* before meetings Stile L. in go what as.

lib. ſs.

There reſts juſt 32----8

The Copy of the ſaid Letter, as it was given in upon Oath by Mr. Spence.

Weſt-ſhields is arrived, the Preſident is as much alarmed as any, and as deſirous what may be done where you are; things go daily to extremities; here are Interrogators given in at *Air* to a Tennent of E. L. I ſend them to you for the Stile: If he knew any that had private Meetings with Intercommun'd Miniſters, or others, at, or before *Bothwel*, or if they converſed with the Rebels then in Arms, or ſince; and if they, or any others did write, or ſend any Commiſſion with any perſon, to my L. M. or any other of the King's Party for a Treaty, and who was the perſon, and if he knew who imployed Mr. M. C. to go to *Glaſgow* and *Hamilton* to the Rebels, and if he knew of any meeting at *Lowdon*, or *Ceſnock*, or any other place in relation to the preſent Government, and *Blackwoods* Sentence, and if he kept correſpondence with any of theſe perſons now withdrawn, and if he knew of their going away, or the cauſe thereof, and if E. L. *Ceſnock*, or any other did imploy him to go to *Glaſgow* to Mr. *M.* Clerk of the Circuit Court, to keep any perſon out of the *Porteous Roll*, and gave him Money for that effect; and alſo, if any of the above-named perſons did any thing to perſwade, or diſſwade any Tennents of others to go to the Rebellion, Perſons they ſay will be found to ſwear any thing they pleaſe, for Fear, or Money.

Follows the method or way of opening the foreſaid Letter diſcovered by Mr. Gray, *for further confirmation.*

The long Letter written with Argiles *own hand, which was addreſs'd to Major* Holms, *and marked Number* 3.

21 *June.*

THo I cannot by this Poſt ſend you a full account of your affairs, yet I ſend you as much as may make you take meaſures what Bills to draw upon me, which I hope you will fully underſtand by Mr. *B'* help; the whole account amounted to ſeveral Pages; but I only give you one to total, as ſufficient.

I gone ſo I and refuſe object firſt you time much is way the our would of altogether concerned do upon abſolutely do to do effectually as that it be to is at all be 3357594242445757 69 money 36 47575657 of and to 692247365356 57 and they have is at be that no ſome their 2345535958, *&c.* 50000 4548464758 part as againſt the but concurrence from be leſs nor like place and intereſt is ſmall and power againſt need do bring which *Birch* that cannot time are out upon an 324753235657 to 5644425659485844367 projected meat very may little done the been Purſe I to ſhall my liſts I to great venture they proſpect provided have can willing God given conference week *Brown* I of things ſaid ſome the now their my head, guard mention 3243446757485465257 things which to your hope ſome ago as over ſome if do ſpoke for of know and encouragement confer have and ſelf be order reſolve and to reckoning all and undertake honeſt or was far be Shooes undertaking many of to for purchaſe was as is the a poſſibly us of by force it tho ſo how the credite for time *Birch* and ſome greateſt them concerned will for and to and 404843 ſtation good may only the if more will if ſhould expect tollerably ſtanding and by and neceſſar the the more the hazarded to it 8 and think urge ſo neceſſar I the that ſo affairs have buſineſs very I poſſible of I ſend here againſt my till what little upon know not which money 2540574857584052 4244 I ſervice any what ſhall reſolve thee at did leaſt effectually thought and far if buſineſs reckoned for ſtill the there I or ſtuck you upon money by firſt ſum if then Bills 26 435640465359525769455356424457 well that 38414440585159505848585943 57 need trouble ſomething very a frighten the probably not 2000 the tho the once for and 575942 4244575735 will 4057 57485757584052 4244 and to money could fooliſh *Browne* many the not to Gods *Brand* beſides ſtay *Job* ſeat yet to propoſed 322240565157 a deal the things as all once leſs any drink well on know I as pay whether never the received to any calculate about to that that the ſuch with you I other I I for conſiderable be particular add I are of leſt I but all have it Enemies to cannot to Friends made part I write wiſh may be ſervice Mr. an whole there conſider perſons it when knowing any and payments to I it low ſhall little little meaning Intelligence thing out had which Tents uſual whole with 673151485048584840 and by the

more of if but the that bleſſing raiſe a 54565258445758405258 4753565744 can Virgins ſupply to call 485650405243 not keep imaginable tho them 4853485244 ſtanding many number 25 4753565733 only at ſtanding a 5159505848585943 firſt conſiderable with more can them Countrey 425351514052434443 in and there 40565157 it was Weeks half I ſo to at 600 think needs preciſe I the the it a within what requiſite not Sum truly this grounds to ſay Mr. thing nor know they as hath the grounds occaſioned I they both do is Red only let I diſtance in I half in I the little would 4057485758405242 firſt ſhall number very 1000 and the conſider ſmall confeſs them work propoſed pleaſe cannot are 2000 *Brand* it 544453545044 the be 40565157 then be 40544440564852464640584744564443 little 455356424457 5758445650485244 have the but it will 455356574457 and as we yet together only it for buy it conſider imploy better Intereſt ſmall ſo to ſome 47535657 a future the to total the abſolute of and deſigned and Wagons are but of propoſed or and becauſe what add as out meddle touch of I knowing Merchant there it that what is 404540485644405844515458 Red I not but I of expect of up I enforce at be that ſhould a is in conſiderable put I done this all have by the not to had before able will I if and a they have will is for 5753504348535956 ſhall neceſſars the or of if is is they very incident for the dayly not Cloaths neceſſar to there the neceſſar beſt of the 60405639 events little to hope 564454564457 many Sum were for ſo in we them more will in and it had any many yet be may all 5148504584840 and will it without and not but more got triple on is very 45535959 now be God and but is what a if odds it as near named not bruſh of not leſs power propoſed an of thought my and go you in or reſolved ſo I intend hear them our 45564844524357 to neither to will much till any the know on in propoſition could what other I of could be the and be but that eaſie were I all differ was abſolutely ſoon more to ſent above at well right foot their together Proviſions the ſuddenly that 404258485352 will take will of the be unwilling the will can at is get *Brand* not 40565157 no ſhould the much their not and men the are be while do to advantage the husbanding for number is be for 5747534457 only to whole Proviſions Charges good can to I I my meddle Money as freely for the an be eſtates do project all after ſee be I it ſuch you all 47535657 the yet I diſtance to dare them direction Gods hands in on not prevent and have ſome help may from a a be pray very I I Neceſſars and that to a occaſion prices the ſubmit they but not own had made be do men ſome of Sum be neceſſar 47535657 ſuch beſtowed nothing they one it Money of *Brand* not to ſent engaged whole with a concerned own Money next prove Money far then but ſome impoſſible firſt be be moſt to of 4744564858535657 20000 to up do tho there done caſe and yet number without hard appointed leſt 1200 like give will after neceſſar propoſed as ſhould leave hard had number I peremptor I 673347535657 ſtood poſſibly thoſe thought

juncture

juncture I do mention this as as mean other I as neither give know offer have Adieu.

	Gil.	*St.*
The total Sum is	128	8

which will be payed to you by Mr. *B.*

Follows in plain writing on the back of the Letter.

I have found two of the Books I wrote to Mr. *B* were loſt, I believe he hath the blew one, we have received his Letter, I have nothing more to ſay to him at preſent, I hope he knows how to write to me, and underſtands my Addreſs, and to inſtruct you; if he do not, I have loſt ſix Hours work.

Adieu.

The Decypher of the ſaid Letter as it was done in England, *with ſome amendments ſince, which anſwers exactly with the middle Alphabet found out in* Scotland.

Sir, *June* 21.

THo I cannot by this Poſt ſend you a full account of your Affairs, yet I ſend you as much as may make you take meaſures what Bills to draw upon me, which I hope you will fully underſtand by Mr. *B*'s help; the whole account amounted to ſeveral Pages; but I only give yon one to total as ſufficient.

I gone ſo I and refuſe object firſt you time much is way the our would of altogether concerned do upon abſolutely do to do effectually as that it be to is at all be 33 ſucceſs 69 Money 36 Horſe of and to 69 22 H 36 orſe and they have is at be that no ſome there 23 Foot *&c.* 50000 fight part as againſt the but concurrence from be leſs nor like place and intereſt is ſmall and power againſt need do bring which *Birch* that cannot time are out upon an 32 Ho 23 rſe to recruited projected Meat very may little done the been purſe I to ſhal my liſts I to great venture they proſpect provided have can willing God given conference week *Browne* I of things ſaid ſome the now there my Head guard mention 32 de 67 ſigns things which to your hope ſome ago as over ſome if do ſpoke for of know and encouragement confer have and ſelf be order reſolve and to reckoning all and undertake honeſt or was far be Shoes undertaking many of to for purchaſe was as is the a poſſibly us of by force it tho ſo how the credit for time *Birch* and ſome greateſt them concerned will for and to and *aid* ſtation good may only the if more will if ſhould expect tollerably ſtanding and by and neceſſar the the more the hazarded to it 8 and think urge ſo neceſſar I the that ſo affairs have buſineſs very I poſſible of I ſend hear againſt my till what little upon know not which Money 25 *Aſſiſtance* I ſervice any what ſhall reſolve the at did leaſt effectually thought and far if buſineſs reckoned for ſtill the there I or ſtuck you upon Money by firſt Sum

if then Bills 20 *Dragoons* 69 *Forces* well that 38 *beat Multitudes* need trouble ſomething very a frighten the probably not 2000 the tho the once for and *ſucceſs* 35 will *aſſiſtance* and to Money could fooliſh *Browne* many the not to Gods *Brand* beſides ſtay job ſeat yet to propoſed 32 22 *Arms* a deal the things as all once leſs any drink well on know I as pay whether never the received to any calculate about to that that the ſuch with you I other I I for conſiderable be particular add I are of leſt I but all have it Enemies to cannot to an account to Friends made part I write wiſh may be ſervice Mr. an whole there conſider perſons it when knowing any and payment to I it low ſhall little little meaning intelligence thing out had which Tents uſual whole with 67 31 *Militia* and by the more of if but the that bleſſing raiſe a *Proteſtant* Horſe can Virgins ſupply to call *Ireland* not keep imaginable tho them *joyn* ſtanding many number horſe only at ſtanding a multitude firſt conſiderable with more can them Countrey *commanded* in and there *Arms* it was Weeks half I ſo to at 600 think needs preciſe I the the it a within what requiſite not ſum truly this grounds to ſay Mr. thing nor know they as hath the grounds occaſioned I they both do is *Red* only let I diſtance in I half in I the little would *aſſiſtance* firſt ſhall number very 1000 and the conſider ſmall confeſs then work propoſed pleaſe cannot are 2000 *Brand* it *people* the be *Arms* them be *appearing* gathered little *Forces Stirling* have the but it will *Forces* and as we yet together only it for buy it conſider imploy better intereſt ſmall ſo to ſome *Horſe* a future the to total the abſolute of and deſign'd and Wagons are but of propoſed or and becauſe what add as out meddle touch of I knowing Merchant there it that what is *affair attempt Red* I not but I of expect of up I enforce at be that ſhould a is in conſiderable put I done this all have by the not to had before able will I if and a they have will is for *Souldier* ſhall neceſſars the or of if is is they very incident for the daily not Cloaths neceſſar to their the neceſſar beſt of the *War* 39 events little to hope *repreſs* many ſum were for ſo in we them more will in and it had any many yet be may all *Militia* and will it without and not but more got triple on is very *Foot* now be God and but is what a if odds it as near named not Bruſh of not leſs power propoſed an of thought my and go you in or reſolved ſo I intend hear them our *friends* to neither to will much till any the know on in propoſition could what other I of could be the and be but that eaſie were I all differ was abſolutely ſoon more to ſent above at well right Foot their together proviſions the ſuddenly that *action* will take will of the be unwilling the will can at is get *Brand* not *Arms* no ſhould the much there not and Men the are be while do to advantage the Huſbanding for number is be for *Shoes* only to whole proviſions charges good can to I I my meddle money as freely for the an be Eſtates do project all after ſee be I it ſuch you all *Horſe* the yet I diſtance to dar them direction Gods hands in on not prevent and have ſome help may from a a be pray very I I neceſſars and that to a occaſion prices the ſubmit they but not own had made be do Men ſome of ſum be neceſſar *Horſe* ſuch beſtowed nothing they one it money of *Brand* not to ſent engaged whole with a concerned

own

own money next prove money far then but ſome impoſſible firſt be be moſt to of *Heretors* 20000 to up do tho there done caſe and yet number without hard appointed leaſt 1200 like give will after neceſſar propoſed as ſhould leave hard had number I peremptor I 67 33 *Horſe* ſtood poſſibly thoſe thought Juncture I do mention this as as mean other I as neither give know offer have. *Adieu.*

Gil. St.

The total Sum is 128---8
which will be payed to you
by Mr. *B.*

Written in plain ſenſe on the back of the Letter:

I have found two of the Books I wrote to Mr. *B.* were loſt, I believe he hath the Blue on: we have received his Letter. I have nothing more to ſay to him at preſent: I hope he knows how to write to me, and underſtands my addreſs, and to inſtruct you, if he do not, I have loſt ſix hours work. *Adieu.*

The Copy of the ſaid Letter, as it was given in by Mr. Spence, *according to the plain Senſe thereof, without the Preface or Poſtſcript, being ſet down already with the Cypher and Decypher.*

I Know not the grounds our Friends have gone upon, which hath occaſioned them to offer ſo little Mony as I hear, neither know I what Aſſiſtance they they intend to give; and till I know both, I will neither refuſe my ſervice, nor do ſo much as object againſt any thing is reſolved, till I firſt hear what Mr. * *Red*, or any other you ſend ſhall ſay; only in the mean time I reſolve to let you know as much of the Grounds I go on, as is poſſible at this diſtance, and in this way. I did truly in my Propoſition mention the very leaſt Sum, I thought could do our Buſineſs effectually; not half of what I would have thought requiſite in an other juncture of Affairs; and what I propoſed I thought altogether ſo far within the power of thoſe concerned, that if a little leſs could poſſibly do the Buſineſs, it would not be ſtood upon: I reckoned the aſſiſtance of the Horſe abſolutly neceſſar for the firſt Bruſh, and I do ſo ſtill: I ſhall not be peremptor to urge the preciſe number named, but I do think there needs very near that number effectually; and I think 1000 as eaſie had as 8 or 600 and it were hard that it ſtuck at the odds. I leave it to you to conſider if all ſhould be hazarded, upon ſo ſmall a differ. As to the Money, I confeſs what was propoſed, is more by half then is abſolutely neceſſar at the firſt Weeks work, but ſoon after all the Sum was propoſed, and more will be neceſſar, if it pleaſe God to give ſucceſs; and then Arms cannot be ſent like Money by Bills: There are now above 1200 Horſe and Dragoons, and 2000 Foot at leaſt of ſtanding Forces in † *Brand*, very well appointed and tollerably well commanded, it is

* Carſtares.

† Scotland.

right hard to expect that Countrey People on Foot, without Horse; should beat them the triple their number; and if multitudes can be got together, yet they will need more Arms, more Provision, and have more trouble with them; but the Case is, if something considerable be not suddenly done, at the very first appearing, and that there be only a multitude gathered without action, tho that may frighten a little, it will do no good, the standing Forces will take up some station, probably at *Stirling*, and will to their aid, not only have the Militia of 20000. Foot, and 2000. Horse, but all the Heretors, *&c.* to the number, it may be of 50000. and tho many will be unwilling to fight for the standing Forces, yet the most part will once joyn, and many will be as concerned for them, as any can be against them; and tho we had at first the greatest success imaginable, yet it is impossible but some will keep together, and get some concurrence and assistance, not only in **Brand*, but from †*Birch*, and *Ireland*; it will not then be time to call for more Arms, far less for Money to buy them, no money nor Credit could supply it, we should prove like the foolish Virgins: Consider in the next place how **Browne* can imploy so much Money, and so many Horse, better for their own interest, tho the Protestant Interest were not concerned; is it not a small Sum, and a small Force, to raise so many men with, and by Gods blessing to repress the whole Power of *Brand*, that some hope are engaged against us, besides the Horse to be sent, need possibly stay but a little while to do a Job, if future events do not bring the seat of the War to *Brand*, which is yet more to the advantage of *Birch*, as to the total of the Money that was proposed by the best Husbanding it, cannot purchase Arms, and absolute necessars for one time, for a Militia of the number they are to deal with, and there is nothing out of the whole design'd to be bestowed upon many things usual, and necessar for such an Undertaking, as Tents, Waggons, Cloathes, Shoes, Horse, Horse-shoes; all which are not only necessar to be once had, but dayly to be recruited, far less out of the whole sum projected, was any thing proposed for Provisions of Meat or Drink, Intelligence, or incident Charges; some very honest, well-meaning, and very good Men, may undertake on little, because they can do little, and know little what is to be done. All I shall add is, I made the Reckoning as low as if I had been to pay it out of my own Purse; and whether I meddle or meddle not, I resolve never to touch the Money, but to order the payment of Necessars, as they shall be received; and I shall freely submit my self to any knowing Souldier for the Lists, and any knowing Merchant; for the Prices I have calculate, when there is an occasion to confer about it, it will be a great encouragment to persons that have Estates to venture, and that consider what they do, that they know that there is a project, and prospect of the whole Affair, and all Necessars provided for such an attempt, if after I have spoke with Mr. †*Red*, I see I can do you Service, *I* will be very willing; if *I* be not able, *I* pray God some other may; but before it be given over, *I* wish *I* had such a Con-

* Scotland. † England.

* Dissenting-Lords.

† Carstairs.

conferenc e as I write of to you a Week ago, for I expect not all from * *Browne*, ſome conſiderable part of the Horſe may I hope be made up by the help of your particular Friends. I have yet ſome things to add, to enforce all I have ſaid. which I cannot at this diſtance, and ſome things are to be done to prevent the deſigns of Enemies, that I dare not now mention, leſt it ſhould put them on their guard. I have a conſiderable direction in my head, but all is in God hands.

* Diſſenting-Lords.

Nota, That the foregoing Marginal Notes are ſo explain'd by the Key of Words, *pag.* 19.

Here follows Mr. Spence *his Depoſition in ſo far as it relates to the two foregoing Letters, whereof he had given in the Copies above ſet down in plain Senſe: The Queries put to him, and many of his Anſwers being little to this purpoſe, they are not all here ſubjoyned, but only theſe that immediatly relate to the Letters.*

Part of *Spence* his Depoſition.

At the Caſtle of *Edinburgh*, the 19 of *Auguſt*, 1684.

MR. *William Spence*, of the Age of 33 Years, or thereby, not married, ſolemnly ſworn, Depons, That in the Paper ſubſcribed by him, the Letter dated 21 *June*, and the other without date, marked *A*, are written plain, and in the true Senſe, ſo far as his knowledge reaches and that he had no Key to open the Letters with, but the Alphabetical Cypher: That by the 128 *Gilders*, 8 *Stivers*, mentioned in the end of the long Letter, he underſtands that it is the Key thereof; and by the payment of the ſame, he underſtands the way of uſing it. That he does truly believe there was an Inſurrection intended, within theſe two Years; and as for what is to come, he cannot tell what the People abroad may be doing: That he had often heard of Deſigns and Aſſociations; but that they were directly intended to hinder the *Duke* his Succeſſion to the Crown, he cannot ſay: For all that he underſtood was pretended for the ground of any deſigns of Arms, was the defence of the *Proteſtant Religion*, the Liberties of the Kingdom; and if againſt the *Duke*, his Succeſſion only, in ſo far as that might be prejudicial to theſe: and that he thinks upon the *Kings* death Troubles may probably ariſe: That Mr. *Weſt* to whom the Letters were directed, was not one of that name, but Major *Holms* to the beſt of his knowledge: And this is the Truth as he ſhall anſwer to God. *Sic ſubſcribitur*

W. Spence.

These foregoing Letters are exactly set down, both such as were in Cypher, and these in plain Letter, all written with *Argiles* own hand (except that from his Lady) conform to the Principals, compared therewith, before the Lords of the Secret Committee. Together with the Decyphers, and other wayes of opening, perfectly agreeing both in the Sense and design, with the triple Alphabet, the Key of Words, and the method before narrated.

There was also (besides these) several other Letters, both in Cypher and plain Writ found with Major *Holms*; all of them, as in a Chain, knitting together the undenyable Evidences of this Hellish Machination; but these above set down, being the most material, and sufficient to convince all, except those of invincible obstinacy, it was not thought fit to burden the Reader, or incumber this short Narrative with more of them. All the principal Letters and Cyphers, with the Keys of Words, and a great many Depositions taken both here and in *England*, are lying in the Records of His *Majesties* Privy Council in *Scotland*.

It's further to be considered, That all these Letters being taken at one time with Major *Holms*, who was *Argiles* Trustee for conveying them, it is not to be supposed, but that much more of this Stuff has been interchanged betwixt him and those of that Confederacy: as appears from the Alphabet written with the Key of Words, for which Alphabet as yet there is no use found: And also from the Key it self, wherein tho there be upwards of 80 new coyn'd Words, yet in all this Parcel of Letters there is not six of them made use of; which likewise appears evidently from the tenor of all his Letters, and particularly from the beginning of the long Letter, *pag.* 31. where he says, *I did truly in my Proposition mention the very least Sum*, &c. and a little after he says, *and what I proposed I thought altogether so far within the power of those concerned*, &c. and towards the end of that same Letter, he says, *But before it be given over, I wish I had such a Conference as I wrote of to you a Week ago*, &c. by which, and many other Passages and Circumstances, what is above-said, becomes undenyable.

The method or way of opening the long Letter, discovered by Mr. Gray, *for further Confirmation.*

BUT for further Diſcovery of this Treaſon, The Secret Committee finding that Mr. *William Carſtares*, one of the Priſoners ſent down from *England*, was not only frequently mention'd in ſeveral of *Argiles* Letters, but related to in them as one of the principal Agents in theſe Affairs; They endeavour to bring him to a Confeſſion, but all endeavours were fruitleſs, until he was put to the Queſtion, according to Law and Cuſtom of this, and other Nations in ſuch Caſes, where Perſons under great and pregnant preſumptions of the knowledge of Crimes, refuſe to confeſs, they are by Law to be put to Torture, eſpecially where they refuſe to depone upon Oath to the Interrogators propoſed, their Depoſitions being always declared to be of no force nor danger to themſelves; all which concurred both in Mr. *Carſtares* and Mr. *Spence*: This man albeit he was not eaſily brought to confeſs, yet once brought to it, ſeem'd very ingenuous. And what he depoſed at ſeveral times, is inſert to a word in his Depoſition; which is not here inſert, to evite prolixity, being at full ſet down in *Jerviſwoods* Proceſs hereto ſubjoyned, *pag.* 23.

Every ſtep diſcovering a new Scene of Treaſon, the Secret Committee did order the apprehending of *Polwart*, *Torwoodlie*, *Philiphaugh*, *Gallow-ſheils*, and the Earl of *Tarras*, as thoſe who had correſponded with other *Scotſmen* and *Engliſhmen* in *England* on theſe Treaſonable Deſigns: *Polwart* and *Torwoodlie* being indeed moſt active, and conſcious to themſelves of the higheſt Guilt, were more watchful over themſelves then others, and ſo eſcaped before they were taken; the other three were brought in to *Edinburgh*, where *Philiphaugh* and *Gallowſheils*, did at their firſt appearance freely and voluntarly confeſs, as is ſubjoyned in the ſaid Proceſs againſt *Jerviſwood*, pag. 14,15,16,17,18,19,20,21,22,23; both theſe had aſſurance that their Confeſſions ſhould not militate againſt themſelves, without which they could not legally be examined upon Oath in ſo capital a Crime.

Alexander Monro another of the Priſoners being likewiſe examined, did depone, as is ſubjoyned in the ſaid Proceſs; and ſhortly thereafter the Earl of *Tarras*, without either craving or receiving any ſecurity, but on a ſincere remorſe for his Guilt, did give in an ingenuous Confeſſion of what he knew of the Deſign, as it is there alſo ſubjoyned *pag.* 12,13,14.

Theſe Depoſitions and Teſtimonies both in *England* and *Scotland* concurring to bring a manifeſt Guilt on *Baillie* of *Jerviſwood*, as one of the moſt active and violent in theſe Conſpiracies, whereby he did deſign with all poſſible rigour, and imaginable violence, to deſtroy the Sacred Perſon of His *Majeſty*, and His *Royal Brother*, to overturn the Monarchical Government of *Britain*, to deſtroy our eſtabliſhed Religion, the Property and Liberty of all Subjects, to ſettle all the Power in the hands of Bloody and Fanatical Aſſaſſinats, to break off the happy Peace and Tranquility wherewith God hath bleſſed us, under the Reign of a moſt Gracious King; and in place thereof, to throw theſe Nations into Ruine and War, and to bring

over our Isle a Deluge of Blood; he was pi ched upon as the first Person who should be brought to Tryal for these Execrable Crimes; and accordingly on the 23 of *December* 1684, he was brought before the Justice Court, the Privy Council having commanded such Advocats as he named, to plead in his defence, so far as Law could allow; the Libel adduced against him being found Relevant beyond all Controversie, he was by a Jury of Noblemen, Barons, and others his Peers, found guilty of these Execrable Crimes, and by the Proofs adduced against him in presence of the Judges, Jury, Pannal, and a Croud of all kind of People who were Auditors, they were all convinced of his Guilt; wherefore he was on the 24 of *December* condemn'd to the death of a Traitor, being Hang'd, Quartered, and his Quarters affix'd.

The plain and evident probation adduced against *Baillie* of *Jerviswood* in this Process, the Probation and Confessions of Captain *Thomas Walcot* and *John Rouse* in *England*, not only at the time of their Trial, but at the time of their Death, when all dissimulation was to little purpose; The faint Defences of the Lord *Russet* and Collonel *Sidney*, with the open Prevarications in their Confessions, and the certain Demonstration by the discoveries which are laid open in *Argiles* Letter, and the concurring circumstances of the Keys which discovers his Language, the Identity of the Decypher found out in *England* and in *Scotland*, without any correspondence betwixt the Decyphers, with that discover'd by Mr. *Spence* *Argiles* own Servant and Trustee; the unalterableness of the Position of the words in these Letters discovered by Mr. *Gray*, which in any other Position can make no sense, do not only amount to a sufficient probation, but to an evident and irrefragable demonstration of the truth of the Conspiracy in its blackest view: And chiefly of the late *Argiles* unalterable malice to his King and Countrey, which he would have past as a Standard in his Exposition and Paraphrase of the Test, under the names of his Religion and his Loyalty; in which sense only he was to swear it then, and to vindicat it since in his Book: And any who will but consider the foregoing evidences, must have the famine opinion of the truth of his Book, and of the Justiee of his Plea. And no body can doubt the truth of such evidences, but such as would rather wish these villanies execute then discovered.

F I N I S.

276773

Here follows the foreſaid Letter, plac'd in Eight Columns, and 128 Words in every Colum, wanting both Preface and Poſtcript which was written in plain Senſe.

I	know	not	the	grounds	our	Friends	have
gone	upon	which	hath	occaſioned	them	to	offer
ſo	little	Money	as	I	hear	neither	know
I	what	Aſſiſtance	they	they	intend	to	give
and	till	I	know	both	I	will	neither
refuſe	my	Service	nor	do	ſo	much	as
object	againſt	any	thing	is	reſolved	till	I
firſt	hear	what	Mr.	Red	or	any	other
you	ſend	ſhall	ſay	only	in	the	mean
time	I	reſolve	to	let	you	know	as
much	of	the	Grounds	I	go	on	as
is	poſſible	at	this	diſtance	and	in	this
way	I	did	truly	in	my	Propoſition	mention
the	very	leaſt	Sum	I	thought	could	do
our	Buſineſs	effectually	not	half	of	what	I
would	have	thought	requiſite	in	an	other	juncture
of	Affairs	and	what	I	propoſed	I	thought
altogether	ſo	far	within	the	power	of	thoſe
concerned	that	if	a	little	leſs	could	poſſibly
do	the	Buſineſs	it	would	not	be	ſtood
upon	I	reckoned	the	aſſiſtance	of	the	Horſe
abſolutly	neceſſar	for	the	firſt	Bruſh	and	I
do	ſo	ſtill	I	ſhall	not	be	peremptor
to	urge	the	preciſe	number	named	but	I
do	think	there	needs	very	near	that	number
effectually	and	I	think	1000.	as	eaſie	had
as	8	or	600.	and	it	were	hard
that	it	ſtuck	at	the	odds	I	leave
it	to	you	to	conſider	if	all	ſhould
be	hazarded	upon	ſo	ſmall	a	differ	as
to	the	Money	I	conſeſs	what	was	propoſed
is	more	by	half	then	is	abſolutely	neceſſar
at	the	firſt	Weeks	work	but	ſoon	after
all	the	Sum	was	propoſed	and	more	will
be	neceſſar	if	it	pleaſe	God	to	give
ſucceſs	and	then	Arms	cannot	be	ſent	like
Money	by	Bills	there	are	now	above	1200.
Horſe	and	Dragoons	and	2000.	Foot	at	leaſt
-c	ſtanding	Forces	in	Brand	very	well	appointed
[illegible]	[illegible]	well	commanded	it	is	right	hard

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to order the Payments of Neceſſars as they
ſhall my be received and I ſhall • freely ſubmit
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provided of the whole Affair and all Neceſſars
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willing do you ſervice I will be very
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of hope be made up by the help
things your particular Friends I have yet ſome
ſaid to add to enforce all I have
ſome which I cannot at this diſtance and
the things are to be done to prevent
now deſigns of Enemies that I dare not
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The foresaid Letter set down according to the Method of opening before narrated.

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THE TRYAL AND PROCESS OF High-Treason AND Doom of Forfaulture AGAINST Mr. *Robert Baillie of* Jervilwood TRAITOR.

By His Majeſties ſpecial Command,
As a further proof of the late Fanatical Conſpiracy.

Edinburgh, Printed by the Heir of *Andrew Anderſon*, Printer to His moſt Sacred Majeſty, Anno *DOM.* 1685.

The Tryal and Proceſs of High-Treaſon, and Doom of Forefaulture againſt Mr. Robert Baillie *of* Jerviſwood *Traitor.*

CUria Juſticiariæ S. D. N. *Regis tenta in prætorio burgi de* Edinburgh *vigeſimo tertio die menſis* Decembris 1684. *Per nobilem & Potentem Comitem* Georgium *Comitem de* Linlithgow, *Dominum* Livingſtoun, *&c. Juſticiarium generalem totius Regni* Scotiæ, *& honorabiles viros, Dominos* Jacobum Foulis *de* Colintoun *Juſticiariæ Clericum*, Ioannem Lockhart *de* Caſtlehill, Davidem Balfour *de* Forret, Rogerum Hoge *de* Harcarſs, Alexandrum Seaton *de* Pitmedden, *&* Patricium Lyon *de* Carſs, *Commiſſionarios Juſticiariæ dicti.* S. D. N. *Regis.*

Curia legitime affirmata.

Intran

Mr. Robert Baillie *of* Jerviſwood *Priſoner*

INdited and accuſed, that where notwithſtanding by the Common Law of this, and all other well Governed Nations, the Conſpiring to overturn the Government of the Monarchy, or of the Eſtabliſhed Government of this Kingdom, or the concealing, and not revealing of any Treaſonable Deſign, Project, or Diſcourſe tending thereto; Or the aſſiſting, aiding, or abaiting ſuch as have any ſuch Deſigns, does infer the Pains and Puniſhment of Treaſon. And by the third Act of the firſt Parliament of King *James* the Firſt, *The Rebelling openly againſt the Kings Perſon:* and by the thretty ſeventh Act of His ſecond Parliament, *The Reſetting, Maintaining, or doing favours to open, or notour Rebellers againſt the Kings Majeſty, is Declared Treaſon, and puniſhable by Forefaulture.* And by the hundred fourty and fourth Act of the twelfth Parliament of King *James* the Sixth, *It is Declared Treaſon to Reſet, Supply, or Intercommune with Traitors.* And by the firſt Act of the firſt Seſſion of His Majeſties firſt Parliament, *It is Declared, That it ſhall be High Treaſon for the Subjects of this Realm, or any number of them, leſs or more, upon any ground,*

or pretext whatſomever, to riſe, or continue in Arms, to make Peace or War, without His Majeſties ſpecial Approbation. And by the ſecond Act of the ſecond Seſſion of His Majeſties ſaid firſt Parliament, *To Plot, Contrive, or intend Death, or Deſtruction, or to put any Reſtraint upon His Majeſties Royal Perſon, or to Deprive, Depoſe, or Suſpend Him from the Exerciſe of His Royal Government, or to levy War, or take up Arms againſt His Majeſty, or any Commiſſionated by Him, or to intice any Strangers, or others, to Invade any of His Majeſties Dominions, or to Write, Print, or Speak any thing that may expreſs or declare ſuch their Treaſonable Intentions, is declared Treaſon, and puniſhable as ſuch.* Likeas, by the ſecond Act of His Majeſties third Parliament, *It is Declared High Treaſon in any of the Subjects of this Realm, by Writing, Speaking, or any other manner of way to endeavour the alteration, Suſpenſion, or Diverſion of the Right of Succeſſion, or debarring the next lawful Succeſſour.* Nevertheleſs, it is of verity thatthe ſaid Mr. *Robert Baillie* of *Jerviſwood*, ſhaking of all fear of God, reſpect and regard to His Majeſties Authority and Laws; and having conceived moſt unjuſtly, a great and extraordinary malice and hatred againſt His Majeſties Perſon and Government, and having deſigned moſt Traiterouſly to debar His Royal Highneſs, His Majeſties only Brother, from His due Right of Succeſſion, did amongſt many other Traiterous Acts, tending to promove that wicked Deſign, endeavour to get himſelf Elected one of the Commiſſioners for Negotiating the ſettlement of a Colony of this Nation in *Carolina*, in one or other of the dayes of the Moneths of *January*, *February*, *March*, *April*, or *May*, One thouſand ſix hundred and eighty three years; and that he might thereby have the freer and better acceſs to Treat with the Earls of *Shaftsbury* and *Eſſex*, the Lord *Ruſſel* and others, who had entered into a Conſpiracy in *England* againſt His Majeſties Perſon and Government, and with Colonel *Rumſay*, *Walcot*, *Weſt*, and *Ferguſon*, and others who had likewiſe Conſpired the Murder of His Majeſties Sacred Perſon, and of the Perſon of His Royal Highneſs; and finding that he could not get himſelf Elected one of the ſaid Commiſſioners, he reſolved to go to *London* upon his own expenſes, and declared to ſeverals (whom he took great pains to draw in to be his accomplices) that his Deſign was to puſh foreward the People of *England*, who did nothing but talk, that they might go on effectually; and after he had ſettled a Correſpondency here, he did go up to *London* in one or other of the ſaids Moneths, with Sir *John Cochran* and Commiſſar *Monro*, and did then, and there, Tranſact with the ſaids Conſpirators, or one or other of them, to get a ſum of Money to the late Earl of *Argile*, a Declaired Traitor, for bringing home of Men and Arms, for raiſing a Rebellion againſt His Majeſty, and Invading this his Native Countrey; and ſo earneſt was he in the ſaid Deſign, that he did chide thoſe *Engliſh* Conſpirators, for not ſending the ſame timeouſly, and lamented the delayes uſed in it; and perſwaded the late Earl of *Argile* and others in his name to accept of any ſum, rather than not to engage: and amongſt the many meetings that he had at *London*, for carrying on the

the ſaid Traiterous deſign, there was one at his own Chamber, where he did meet with the Lord *Melvil*, Sir *John Cochran*, and the *Ceſſnocks* Elder and Younger, and amongſt others, with Mr. *William Veatch* a declared Traitor, and there he did treat of the caryingon of the ſaid Rebellion, and of the money to be furniſhed by the *Engliſh* for *Argyle*, for buying of Armes. And that if the *Scots* would attempt any thing for their own relief, they would get aſſiſtance of Horſe from *England*; and from that meeting, he or ane, or other of them did ſend down Mr. *Robert Martin* to prevent any ryſing, till it ſhould be ſeaſonable for carying on of their Deſigns, which Mr. *Robert*, after he came to *Scotland*, did treat with *Polwart* and others, for carying on of the ſaid Rebellion, by ſecuring His Majeſties Officers of State, His Caſtles and Forces, and by putting his Correſpondents here, and there Aſſociats, in readineſs, to aſſiſt the late Earl of *Argyle*; and after the ſaid *Mr. Baillie* had engadged many of his Countrey-men in *England*, and had aſſured his Correſpondantts here, that the *Engliſh* were reſolved to ſeclud his *Royal-Highneſs* from his due right of Succeſſion, thereby to encourage them to concur in the ſaid Rebellion, and Excluſion, he flew to that hight, that he did particularly and cloſly correſpond with Mr. *Robert Ferguſon*, Sir *Thomas Armſtrong*, Collonel *Rumſay*, and *Walcot*, who were acceſſory to that horrid part of the Conſpiracy, which was deſigned againſt the Sacred Life of His Majeſty and the Life of His Royal-Highneſs, and did ſit up ſeveral nights with them, concerting that bloody Maſſacer: at leaſt the ſaid Mr. *Robert Baillie* of *Jerviſwood* was, and is guilty of having correſpondence with the late Earl of *Argyle*, and Mr. *William Veatch* declared Traitors, and of being art and part of an Conſpiracy, for aſſiſting of theſe who were to riſe in armes againſt His Sacred Majeſty, and for excluſion of His Royal Brother, and of concealing and not revealing the acceſſion and propoſals of others for that effect. Wherethrow he has committed, and is guilty of the Crymes of High Treaſon, Rebellion, and others aboveſpecified, and is art and part of the ſamine, which being found by ane Aſſize, he ought to be puniſhed with Forfaulture of Life, Land and Goods, to the terror of others to commit the like hereafter.

HIS Majeſties Advocat produced an Act, and Warrand from the Lords of His Majeſties moſt Honourable Privy Council, for purſuing, and inſiſting againſt the ſaid Mr. *Robert Baillie* of *Jerviſwood*, whereof the Tenor follows: *Edinburgh*, The twenty two day of *December*, one thouſand ſix hundred and eighty four years. The Lords of His Majeſties Privy Council, do hereby give Order and Warrand to His Majeſties Advocat, to purſue a Proceſs of Treaſon and Forfaulture, before the Lords of His Majeſties Juſticiary, againſt Mr. *Robert Baillie* of *Jerviſwood*, to morrow at two a clock in the afternoon preceiſly, and the ſaids Lords do hereby Require and Command, Sr. *George Lockhart* of *Carnwath*, and Sr. *John Lauder* Advocats, to concur, and aſſiſt in the ſaid Proceſs

with His Majesties Advocat, from the intenting untill the end thereof, as they will be answerable upon their alledgance. *Extract* by me, *sic subscribitur.*

Colin Mckenzie, *Cls. Sti. Concilij.*

Pursuers.	Procurators in Defence.
Sir *George Mckenzie* of *Roshaugh* Our Soveraign Lords Advocat	Sir *Patrick Hume.*
	Mr. *Walter Pringle.*
	Mr. *James Graham.*
	Mr. *Welliam Fletcher.*
Sir *George Lockhart* } Advocats.	Mr. *William Baillie.*
Sir *John Lauder.* } Advocats.	Advocats.

THE Pannals Procurators produced ane Act of His Majesties Privy Council, in their favours, wherof the tenor follows: *Edinburgh*, the twenty third of *December*, one thousand six hundred eighty four years, The Lords of His Majesties Privy Council having considered ane Address made to them, by Mr. *Robert Baillie* of *Jerviswood*, now indited at the instance of His Majesties Advocat, before the Lords Commissioners of Justiciary, of Treason, do hereby Require and Command Sir *Patrick Hume*, Mr. *Walter Pringle*, Mr. *James Graham*, Mr. *William Fletcher*, Mr. *James Falconer*, Mr. *William Baillie* Advocats, to Consult, Compear, and Debate for the Petitioner, in the Process of Treason, mentioned in his Address, without any hazard, as they will be answerable at their peril; Extract by me, sic Subscribitur.

William Paterson, *Cls. Sti. Concilij.*

AFter reading of the Inditement, the Lord Justice General required the Pannal to make answer thereto.

The said Mr. *Robert Baillie* Pannal pleaded not Guilty.

MR. *Walter Pringle* Advocat, as Procurator for the said Mr. *Robert Baillie* of *Jerviswood* Pannal, alleadges that he ought not to passe to the knowledge of an Assize, because he had not got a Citation upon fyfteen days, or at least on a competent time, which is usual, and absolutely necessar in all Actions, and much more in Criminal Pursuits, especially, seing, if a competent time be not allowed to the Pannal, he is precludit of the benefit of ane exculpation, without which he cannot prove his Objections against Witnesses, or Assyzers, or any other Legal, or competent Defences; And by the late Act of Parliament concerning the Justice Court, all Pannalls are allowed to raise Precepts of Exculpation, and thereupon to cite Witnesses, for proving the Objections against Witnesses, and Assyzers, which necessarily pre-supposeth, that a competent time must be allowed to the Pannal to execut his diligence, or otherwise, how is it possible he can prove an Defence of *alibi*, or any other just Defence: and as this is most consonant to that clear Act of Parliament, and to material

terial Juſtice, aud to the Rules of Humanity, ſo this point has been already fully and often decided, and lately in the caſe of one *Robertſon* in *July* 1673. The Inſtance whereof, is given by His Majeſties Advocat in his Book of Criminals, and Title of Libels, where the Lords found, that albeit *Robertſon* got his Inditement in Priſon, yet he behoved to get it upon fifteen dayes.

His Majeſties Advocat oppons the conſtant Tract of Deciſions, whereby it is found, that a perſon Incarcerated may be Tryed upon twenty four houres; and the late Act of Parliament is only in the caſe where a Summons or Libel is to be Raiſed; but here there is no Libel or Summons, but only an Inditement; nor was any Exculpation ſought in this caſe, before the Tryal, which is the caſe provided for by the Act of Parliament.

The Lords, Juſtice-General, Juſtice-Clerk, and Commiſſioners of Juſticiary, Repell the Defence, in reſpect the Pannal is a Priſoner, and that it has been the conſtant Cuſtom of the Court, and that the Pannal made no former application for an Exculpation.

Sir *Patrick Hume* for the Pannal, alleadges (alwayes denying the Libel, and whole Members, and Qualifications thereof) that in ſo far as the Libel is founded upon Harbouring, maintaining, and Intercommuning with the perſons mentioned in the Dittay, the Pannal ought to be aſſoylzied, becauſe it is *res hactenus judicata*, he having been formerly purſued before the Lords of his Majeſties Privy Council for the ſame Crimes, and Fined in an conſiderable Sum; and therefore that Crime cannot now be made uſe of as a ground of Treaſon againſt the Pannal.

His Majeſties Advocat anſwers, That he Reſtricts his Libel, to the Pannals entering in a Conſpiracy, for raiſing Rebellion, and for procuring Money to be ſent to the late Earl of *Argile*, for carrying on the ſaid Rebellion; and for concealing, and not revealing; neither of which is referred to his Oath; and conſequently was not *res judicata*, there being nothing referred to his Oath; but his Converſe and Correſpondence with ſome Miniſters, and others within the Kingdom, and his own Gardiner, and his Writing Letters to my Lord *Argile*; and oppons the Decreet of Council it ſelf, and reſtricts the Libel to all the Crimes not inſiſted on in the Decreet.

Sir *Patrick Hume* Replyes, That as to the Correſponding with the late Earl of *Argile*, at any time ſince his Forefaulture, was expreſly proponed as an Interrogator to the Pannal in that Purſuit, at His Majeſties Advocat's Inſtance againſt him, before the Lords of His Majeſties Privy Council, and that not only

his own Correſpondence by himſelf; but alſo by Major *Holms*, Mr. *Carſtares*, *Robert Weſt*, *Thomas Shepherd*, *Richard Rumbold*, and Collonel *Rumſay*, as the Interrogator bears, as appears by a double of the Act of Council, written by the Clerk of Councils Servant, and is offered to be proven by my Lord Advocats Oath: And as to any Correſpondency with Mr. *Veitch*, it is not Relevant, ſince he was not Declared Rebel.

SIr *John Lauder* for His Majeſties Intereſt, anſwers, That he oppons the Decreet of Privy Council, where no ſuch Interrogator was put to the Pannal, and the Decreet muſt make more Faith than any pretended Scroll, and cannot be taken away by His Majeſties Advocats Oath, to His Majeſties prejudice; and for Mr. *William Veitch*, he ſtands expreſly Forefault in *anno* 1667. and the Doom of Forefaulture, is Ratified in the Parliament 1669.

SIr *Patrick Hume* oppons the Reply, That as to the Correſponding with Mr. *Veitch*, it does not appear, that he is the perſon mentioned in the Act of Parliament; and albeit he were, as he is not, he having thereafter come home to *Scoland*, all the puniſhment inflicted upon him was Baniſhment, not to return under the pain of Death, which did take off any former Puniſhment; and it was no Crime in any Perſon to Intercommune with him, eſpecially in another Kingdom; and by the late Act of Council in *anno* 1683, Even the Converſing, and Intercommuning with declared Traitors, is reſtricted to an Arbitrary puniſhment.

HIs Majeſties Advocat oppons the ſtanding Doom of Forefaulture againſt *Veitch*, and the Proclamation, or Act of Council it ſelf.

THe Lords, Juſtice-General, Juſtice-Clerk, and Commiſſioners of Juſticiary, having conſidered the Libel, purſued by His Majeſties Advocat, againſt Mr. *Robert Baillie* of *Jerviſwood*, with the Lord Advocats Declaration, whereby he Reſtricts the ſame to the Crimes not inſiſted on in the Decreet of Council formerly pronunced againſt the Pannal: They find the ſame Relevant as it is reſtricted, to infer the pain of Treaſon, and remits the ſame to the knowledge of the Aſſize, and Repells the remnant Defences proponed for the Pannal, in reſpect of the Decreet of Council produced, bearing no ſuch thing as is alleadged, and of the anſwers made by His Majeſties Advocat thereto.

Aſſiſa.

The Earl of *Strathmore.*
The Earl of *Belcarras.*
Sir *George Skeen*, Provoſt of *Aberdene.*
Sir *James Fleming*, late Proveſt of *Edinburgh.*
Sir *John Ramſay* of *Whitehill.*
Adam Hepburn of *Humby.*
Andrew Bruce of *Earleſhall.*
John Stuart, Tutor of *Alpin.*
Alexander Miln of *Carrin.*
Mr. *James Elies* of *Stenhopſmilns.*

Sir *William Drummond* of *Halthornden.*
Major *Andrew White*, Lieutennent of *Edinburgh Caſtle*,
Mr. *David Grahame*, Sheriff of *Wigtoun.*
Colin Mckenzie, Collector of *Roſs.*
David Burnet Merchant.

THe Aſſiſe lawfully Sworn, no Objection of the Law in the contrary.

His Majeſties Advocat for Probation adduced the Witneſſes and Writs aftermentioned; and firſt,
Walter Earl of *Tarras.*

Sir *Patrick Hume* Procurator for the Pannal, objects againſt the Earl of *Tarras*, that he cannot be a Witneſs, becauſe he is *ſocius & particeps criminis*; and it is clear by the 34. *Chap. Stat* 2. *Rob.* 1. Concerning theſe that are excluded from bearing of Teſtimony that *ſocij & participes ejuſdem criminis, vel incarcerati & vinculati*, cannot bear Teſtimony: As alſo, the Earl of *Tarras* being preſently under an Inditement of High Treaſon, and under the Impreſſions of Fear, and Death, no perſon in his Circumſtances can be admitted a Witneſs, as is not only clear from the foreſaid Statute, but from the Common Law.

His Majeſties Advocat anſwers, That it is an exception from that Rule, both by the Common Law, and ours, that in the Crime of leſe Majeſtie, and eſpecially, that Branch therof, which we call a Conſpiracy, *ſocius criminis* may be a witnes, and which is introduced very reaſonably by Lawyers, to ſecure the common intereſt of mankind, which is the chief of all Intereſts; and becauſe Conſpiracies cannot be otherwayes proved, and not to allow this manner of Probation, were to allow Treaſon, ſince no man can prove a Plot, but he that is upon it, and how can a man object againſt him as a Witneſs, whom himſelf truſted with his Life, his Fortune, and their common Plot, nor is the intenting of the lybel any ſtronger qualification, ſince every man that is *ſocius criminis*, is under the ſame impreſſion, and it would rather ſeem the

greater and nearer apprehensions a man has of death, he will be the more sincere and faithful; Nor has the Earl of *Tarras*, nor did he ever seek any security, in order to his deponing. And this has been constantly, and latlie, conform to the common Law, as may be seen in the hundreds of Citations set down by *Mascard*, *de probationibus*, *vol.* 4. *conclus.* 1318. *num.* 21. and the contrary citations prove only, that regularly *socius criminis* cannot be a Witnes.

SIr *Patrick Hume* replyes, that the Statutes of *Robert* the first is opponed, and *non est distinguendum ubi lex non distinguit*, and not only was he *socius criminis*, which is acknowledged, but he is *incarceratus*, and lying under an Indytment of high Treason, and has thrown himself on the Kings Mercy, and it is not proper he should be a Wintes, seing he is in the Kings Mercy, who may give him his life or not, and there was never a Person in these circumstances, that ever was admitted a Witness.

MR. *Walter Pringle* adds, That the Earl of *Tarras*, is not only in the case of a person who stands Indyted for High-Treason; but must be look'd upon, as a person condemned for the said Cryme, seing he fully, and amply confest the Cryme: *& confessus habetur pro convicto*, and never any Lawyer asserted, That *damnatus criminis lesæ Majestatis* could be admitted as a Witnes, and there is nothing more clear, then that by the common Law, and the Law of all Nations, this Objection ought to be sustained, for the Civil Law is clear, *leg.* 11. *cod de testibus*, and *Matheus* in his title *de probationibus*, *cap. de testibus*, doth assert positivlie, that the Cryme of lese Majestie, Heresie, and generally all these Crymes *quæ sine sociis non possunt facile admitti*, are not excepted. And he asserts, that the Lawyers, *viz. Gomesius*, *& Decianus*, who are of another Opinion, do acknowledge, *nominatum a reo damnandum non esse*, and that they contravert only, *An nominatio rei sit indicium sufficiens ad torquendum nominatum.*

SIr *George Lockhart* Repeats, and oppons the *Answer*, and the Cryme lybelled, being a Conspiration of Treason, which of it's own nature is managed, and caryed on by Secrecie and Contrivance; and which is only known to the Complices of the Treason, and which cannot be commited *sine sociis*, the Law of this Kingdom, and of all Nations, do allow *socios criminis* to be *testes habiles*, and not only are they admitted in the case of such Conjurations, but generally *in omnibus criminibus exceptis*, amongst which the Crime of *Perduellion*, and lese Majestie is the chief, and it is absolutly impossible, that Plots, and Conspirations of Treason can be otherwayes proven, then *per socios*, and such as are *participes criminis*, and which is the common opinion of all Lawyers, as may appear by *Farin. Quæst:* 45. And the Authorities cited by him, and which is the inviolable practique of this Kingdom: and as to that pretence, that the Earl of *Tarras* is under a Proces of Treason, and has submitted to His Majesties mercy, and that *confessus habetur pro convicto*, it imports nothing, and infers no more then that he is *socius criminis*, and

and is ſtill a habil witnes, as to Conjuration of Treaſon *ſocius criminis hoc ipſo*, that it is acknowledged, or proven, being ſtill under the hazard of Proceſs, or condemnation, which Law regards not in regard of the ſecrecie involved in the nature of the Crime, that either witneſſes *neque actu neque habitu*, can be preſent, ſo that the objection amounts to no leſs then that Conjurations of Treaſon cannot at all be proven: And as to the Law cited from the *Majeſtie*, it imports no more then that the Objection *regulariter procedit* in Crimes, which of there own nature are not *perdifficilis probationis*, and are not *inter crimina excepta* ſuch as the Cryme of Conſpiracy and Treaſon is,

MR. *William Fleteher* Oppons the Objection, and Reply, and further adds, that albeit *crimen leſæ Majeſtatis* be reckoned *inter crimina excepta*, and ſo have ſome priviledge, as to the qualification of Witneſſes, yet it cannot be denyed, but there are ſome Objections competent againſt Witneſs adduced for proving Conſpiracies, and Treaſon, *verbi cauſa*, that a Witnes is a Capital Enemy, or that he is *ſub poteſtate accuſatoris*, and the Objection now pleaded, being taken complexlie, *viz.* That the Earl of *Tarras* is not only *ſocius criminis*, but alſo, that he is *publico judicio reus*, upon the ſame Crime, and that as means to procure His Majeſties favour, he has ſubmitted himſelf, and come in His Majeſties mercy, by an acknowledgment of the Cryme, before the Dyet of Citation, he is obnoxious to a moſt juſt Objection, *viz.* That he is *ſub poteſtate*, and by the ſubmiſſiou, and Confeſſion, his Life and Eſtate is now in His *Majeſties* hands, ſo that he is not only in the caſe of *a reus confeſſus*, but in the caſe of a Witnes, who does abſolutely depend upon His *Majeſties* Advocat the Purſuer; and as a privat accuſer, could not adduce his own Servants to be Witneſſes, becauſe they are *teſtes domeſtici*, and depend upon him, ſo far leſs ought a Witnes to be adduced, who not only depends, as to his Eſtate, but as to his Life, and the Law gives a very good reaſon, and which is mentioned by *Paulus*, *lib.* 1. *receptarum ſententiarum*, *cap.* 12. *parag. ult.* In theſe words, *de ſe confeſſus, non eſt audiendus ut teſtis, ne alienam ſalutem in dubium deducat qui de ſua deſperavit*; and as to the pretence that a Conjuration is a Cryme ſo occult, that it muſt either be proven by ſuch Witneſſes, or otherwayes the guilty perſon will eſcape. It is anſwered, that in this caſe, His *Majeſties* Advocat had an eaſie remedie, for he might have purſued the Pannal, before he purſued the Witnes, and the Terror and Apprehenſion of the event of a Proceſs for Treaſon cannot be conſtructed otherwayes, then to have influence upon the Depoſition of the Witnes; and as to the Citation out of *Farinacius*, it is only in the caſe of *ſocius criminis*, but when he comes to treat *de teſte accuſato vel carcerato. Queſt.* 56. *articulo* 4*to.* He ſayes, *Regula ſit in accuſato quod is pendente accuſatione à teſtimonio repellitur*: and be the 2*d.* Rule of the ſame Article, He ſayes, it is a principle *quod carceratus teſtimonium ferre prohibetur*, and he gives this reaſon, *quia præſumitur, quod falſum teſtimonium diceret pro aliquo qui ei promiſerit ſe liberare a vinculo*, and limits this Rule, that he muſt be *carceratus propter crimen*.

SIr *Patrick Hume* adds, that it is a certain principle, that any perſon that is guilty *infamia juris*, cannot be a Witneſs, no more than a perſon that is Convict, and Condemned of Treaſon; and if he were Convict, and Condemned of Treaſon, he could not be a Witneſs, even in the caſe of Treaſon: ſo neither can the Earl of *Tarras* in this caſe be received a VVitneſs, for he being adduced a VVitneſs after he received his Inditement, and confeſſed the Crime, is equivalent, as if he had been actually Convict; and whatever may be pretended, that *teſtes infames* may be admitted; yet it was never aſſerted by any Lawyer, that a perſon Convict of Treaſon can be admitted a VVitneſs.

THe Lords Repelled the Objection againſt the Earl of Tarras, *and ordains him to be received a Witneſs.*

Nota, *That the Earl of* Tarras *depon'd nothing againſt* Jerviſwood *but what the other two Witneſſes depon'd againſt himſelf before the Tryal, and upon which thereafter they being renew'd, the Earl was forfaulted; ſo that there could be no ground of ſuſpicion from his Circumſtances.*

Walter Earl of *Tarras*, aged fourty years, married, purged, and ſworn; being Interrogat, if about the time that Sir *John Cochran*, and Commiſſar *Monro* got their Commiſſion from the *Carolina* Company for *London*, the Pannal Mr. *Robert Baillie* of *Jerviſwood* did not deſire the Deponent to ſpeak to Commiſſar *Monro*, to try if he could get him the ſaid Pannal added to that Commiſſion, Depones affirmative. Being Interrogat, if the ſaid *Jerviſwood*, the Pannal, did not tell the Deponent, that he was reſolved to go to *London* however upon his own Expenſes, and that his and their going about the *Carolina* Buſſineſs, was but a pretence, and a blind; but that the true deſign was, to puſh forward the people of *England*, who could do nothing but talk, to go more effectually about their buſſineſs, Depones affirmative. Depones that the Pannal did ſettle a Correſpondence with the Deponent, whereby he was to give an account to the Deponent of what ſhould paſs betwixt the Countrey Party in *England*, and the *Scots* men there: and on the other hand, the Deponent was to VVrite to him what occurred here; Depones that the Pannal did ſay to the Deponent, if the King would ſuffer the Parliament of *England* to ſit, and paſs the Bill of Secluſion, that that was the only way to ſecure the Proteſtant Religion. Depons that the Pannal ſaid to him, that the King might be induced to do ſo, if the Parliament would take ſharp, or brisk meaſures with Him, or the like. Depones theſe words were ſpoke to him by the Pannal, ſince the holding of the laſt Seſſion of this current Parliament; and before the Pannal and Commiſſar *Monro* went for *London*. Depons that after the Pannal went to *London*, he did give the Deponent an account by Letters, that things were in great Diſorder there, and that he hoped there would be effectual Courſes taken to remeid them. Depones that Mr. *Robert Martin* did come to Mr. *Pringle* of *Torwoodlies* Houſe in *May* 1683. or thereby, and brought a Letter to the Deponents Lady unſubſcribed, but the Deponent knows it

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was *Jerviſwoods* Hand-writing, who was then at *London*, and that Mr. *Martin* told the Deponent, that things in *England* were in great diſorder, and like to come to a hight, and that the Countrey Party were conſidering on methods for ſecuring the Proteſtant Religion. And that *Archibald*, ſometime Earl of *Argile*, was to get ten thouſand pounds *Sterling*, whereas thirty thouſand pounds *Sterling* was ſought by the *Scotſ-men* at *London*, which was to be ſent over to *Holland* to provide Arms; and that the late Earl of *Argile* was to Land with theſe Armes in the *Weſt-Highlands* of *Scotland*, and that the Deponents Friend *Jerviſwood* the Pannal, was to be ſent over with the Money. Depones that *Philiphaugh* and he went to *Gallowſhiels* Houſe, where they met with *Polwort* and *Gallowſhiels*, and that it was talked amongſt them there, that in caſe thoſe in *England* ſhould riſe in Arms, that it was neceſſary in that caſe, that ſo many as could be got on the Borders ſhould be in readineſs to deal with Straglers and ſeize upon Horſes, and that thereafter they ſhould joyn with thoſe that were in Arms on the Borders of *England*. Depons, That in the caſe foreſaid, it was ſaid, it was convenient the Caſtle of *Stirling*, *Berwick*, and ſome other Strengths ſhould be ſeiz'd upon; and it was likewiſe ſpoke amongſt them, that ſome perſons ſhould be employed to inquire what Arms was in that Countrey. Depons, That it was ſpoke then, that the beſt time for *Argyle* was to land in the Weſt when there was a ſtur in *England*, or *Scotland*, or words to that purpoſe. Depons, That every one deſired another to ſpeak to ſuch particular perſons as they could truſt, by letting a word fall indirectly upon ſuppoſition, in caſe of the Riſing in *England* concerning the Affair for preparing of them: And that he was told by *Philiphaugh* thereafter, that there was a Word and Sign to be uſed amongſt them, *viz.* the Sign was by looſing a Button on the Breaſt, and that the Word was Harmony. Depons, the Pannal ſpoke to the Deponent to advertiſe *Torwoodlie*, that he might acquaint Mr. *William Veitch* a forfault Traitor, who was in *Northumberland*, that he might keep himſelf cloſe, and be on his guard, leſt he ſhould be catch'd; which was ſince the Pannal was Priſoner in the Tolbooth of *Edinburgh*. And this is the truth, as he ſhall anſwer to God. *Sic ſubſcribitur*, *Tarras*,

Linlithgow. I. P. D.

Alexander Monro of *Bear-croſts*, Aged fourty five Years, or thereby; *ſolutus*, ſolemnly ſworn and purg'd. Depons, that the Earl of *Tarras* propoſed to the Deponent, that *Jerviſwood* might be made one of the Commiſſioners for the Affair of *Carolina*, for that he could not ſafely ſtay at Home; and that the Deponents anſwer was, that he had no intereſt in the Affair, and ſo could not be a Commiſſioner. Depons, that the Pannal did wait for the Deponent at *Wooller*, and did go alongſt with him to *London*, and that by the way he heard him regrate his own hazard and others, becauſe of *Blackwoods* Sentence; and that he heard him regrate the hazard our Laws, and Liberties, and the Proteſtant Religion were in. Depons, that the Pannal ſpoke to the Deponent and others, more then once

at *London* for getting of Money from the *Engliſh* to be ſent to the late Earl of *Argile*, for bringing home Arms for the ſaid Earls uſe, as he underſtood, for carrying on an Inſurrection, and Rebellion in *Scotland*. Depons, that at the time libelled, in *Jerviſwoods* Chamber in *London*, Mr. *William Veitch* a forfault Traitor was preſent; and that Sir *John Cochran* did at that Meeting expreſly ſpeak of Money to be ſent to *Argile* for bringing home Arms for invading the Kingdom of *Scotland*; And that at another occaſion he heard ſome of them ſay, that there would be twenty Thouſand Men in *Scotland* who would aſſiſt the Rebellion, and that he heard Sir *John Cochran* and *Jerviſwood* ſpeaking of it, but cannot be poſitive which of the two ſaid it. Depons, that at that Meeting he heard *Jerviſwood* ſpeak, but did not hear him oppoſe that Treaſonable Propoſal. or contradict the Overture propoſed by Sir *John Cochran*. Depons, that Mr. *Robert Martin* was ſent down from that Meeting which was at *Jerviſwoods* Chamber, to *Scotland*, to try what the People of *Scotland* would do for their own ſafety: And that it was underſtood that the people of *Scotland* ſhould not riſe till there ſhould be a riſing in *England*, and that the Commiſſion was granted to Mr. *Robert Martin* by all the perſons preſent, whereof *Jerviſwood* was one, and that there were preſent the Lord *Melvill*, Sir *John Cochran*, *Ceſsnocks* elder and younger, Mr. *William Carſtares*, Mr. *William Veitch*, *Jerviſwood*, and the Deponent; and depons they did contribute Money for Mr. *Martins* Journey: Depons, that at his return he meeting with the Deponent, told him, that Matters were in that condition in *Scotland*, and that the Countrey was in ſuch a condition as little would kindle the Fire in order to the Rebellion. And this is the truth, as he ſhall anſwer to God. *Sic ſubſcribitur*,

Alexander Monro, *Linlithgow*, I. P. D.

James Murray of *Philiphaugh*, aged 30. Years, married, purged and ſworn, produces four Leaves of Depoſitions, emitted by him before the Lords of the Secret Commitie, and all Written and Subſcribed with his own hand, which being publickly read, in preſence of the Juſtices, and Aſſize, he adheres thereto, in all points, whereof the Tenot follows. Upon the day of *May*, 1683. Upon a letter from Mr. *Pringle* of *Torwoodlie*, I came to his houſe in the morning, and he preſently led me to a Chamber, where I found Mr. *Robert Martin*, who was lately come from *London*, with whom we ſtayed a little, and diſcourſed of the news, and about the preſent condition, and temper of *England*, and in particular of *London*, which Mr. *Martin* ſaid, was much irritated through ſome attempts upon their Priviledges, either as to the concern of the Sheriffs, or their Charter, but that all honeſt men were of good heart, and very brisk, and after ſome general diſcourſes to this purpoſe, *Torwoodlie*, and I left him, and walked out a little, and he told me, he was expecting the E. of *Tarras* preſently, for he had ſent to him; and Mr. *Martin* had a Letter to him from *Jerviſwood*, then he told me that there were great matters in agitation at *London*, and that Mr. *Martin* had come down with a Commiſſion from our friends there, (I do not remember

remember he named any) but that I behoved not to expect, he would impart his Inſtructions to me, for he was to communicat them only to *Polwart* and himſelf, (at leaſt for theſe Shyres) and they were to pitch on ſuch as they thought fit to intruſt with the affair, whereupon he aſſured me, that he had great confidence in me, and his kindneſs to me oblidged him to ſend for me, to acquaint me, that matters were now come to a *criſis*, and that he had reaſon to think *England* would ſhortly draw to Arms, and ſtand by them, till they were ſatisfied anent the Bill of Excluſion, and what other ſecurity they could propoſe for the proteſtant Religion, and their Liberties, and that it was no project of any inconſiderable party but a deſign through the Kingdom, and that many of the fineſt men, and of the greateſt intereſt and credit there, had adjuſted almoſt every thing neceſſar for the purpoſe, and had concerted matters with our Friends there, in order to concurrence from this, and had agreed to advance Money for furniſhing Armes here, (I do not remember he told me more particulars at this time) but ſaid, *Polwart* would be at *Gallow-ſhiels* that night, and it would be neceſſar that the E. of *Tarras* and I ſhould confer with him fully, on the buſineſs, about this time the E. of *Tarras* lighted, and *Torwoodlie* having left us for a little time, being gone to bring Mr. *Martin*, the E. of *Tarras* asked me, what news, I told him of Mr. *Martins* being there, but that he had given me no account of the deſign of his down-coming, which perhaps he would acquaint him with, but by what I had heard from *Torwoodlie*, I underſtood it to be, to engadge us to riſe in Arms ſhortly whereat the E. of *Tarras* hummed, and ſaid, he would look ere he leapt, ſuch a leap, or ſome ſuch expreſſions, preſently Mr. *Martin* came, and the E. of *Tarras* and he retired a little, after the reading An Letter, he gave him, the Contents whereof was (as the E. of *Tarras* informed me) only an order from *Jervisnood*, to deliver ſome Money to the bearer, which he had left with him, and the E. of *Tarras* called for his Servant, and bad him bring up the Money: in the mean time, *Torwoodlie* asked me, if I had acquainted the E. of *Tarras* with what he ſpoke to me, and I told him, I had let ſomething of it fall to him, but it was not to be thought, that perſons of ſenſe & quality would engadge in ſuch deſigns at random; ſo *Torwoodlie* ſaid, that (though Mr. *Martin* would not commune with us upon his Commiſſion directly) yet he thought it would be fit, we conferred, and without taking notice of his Commiſſion, diſcourſed of things upon ſuppoſitions, and as our own privat notions, abſtract from any proſpect of a preſent deſign, ſo after dinner, we four went to a Chamber, and after ſome general diſcourſes, of the diſcontents of both Kingdoms, theſe ſuppoſitions following were diſcourſed (and as I remember) Mr. *Martin* ſtarted them all, or the moſt part) *viz.* What if the countrey party in *England* ſhould have thoughts of going to Arms (whereof he knew nothing but only ſuppoſed ſuch a thing, for diſcourſing a little freely, and to know our ſentiments, what we thought could be expected here in ſuch a caſe) would it not be expedient to have a ſettled Correſpondence betwixt that Party there and here, and might not matters be ſo adjuſted, that both Kingdoms ſhould draw out in one

day, and might not as many be expected to undertake in theſe Shires, and about *Edinburgh*, as would ſerve to ſurprize, and ſeize our Rulers (I do not remember any named, but the then Chancellour and Theſaurer) and ſome to joyn with theſe on the *Engliſh* borders, to aſſiſt them to ſurprize *Berwick*; and if for that effect, any Horſe, or Dragoons, that ſhould be in the bounds might not be ſurprized, that their Horſe and Arms might be gotten to furniſh the Countrey people, and *Stirling* Caſtle; and if *Argile* ſhould at the ſame time Land in the Weſt, and raiſe that Countrey, would not theſe Meaſures contribute much to the advancement and ſecurity of the Intereſt of that Party here, ſince thereby the Government would be diſordered, and ſuch ſteps would encourage all that had an inclination to the Countrey Party, to draw to them frankly, and ſcar many of the other ſide to act againſt them, and ſo they might have leaſure to joyn from all places; and might it not be expected, there would be as many in this Kingdom, as would be able to deal with the Forces here, at leaſt divert them from troubling *England*. This is the ſum, as I remember, of what was propoſed, and diſcourſt of, though I cannot diſtinctly ſay, it was in this method, and expreſſion, nor was all moved at once, but dropped now and then, as the Diſcourſe ſeem'd to give riſe to it; and though I cannot fully Re-count all that was ſpoke on theſe Heads, and tell diſtinctly, what this and that man ſaid; yet I remember theſe following Anſwers were giving, and (as I judged) acquieſced to by the whole Company; and they were certainly the E. of *Tarras*, his ſentiments and mine, and every one that ſpoke, uſed this or ſome ſuch Precaution, that if they were concerned, or to give counſel in any ſuch caſe, as they were not, *&c.*) 1. As to the ſettling a Correſpondence, it was confeſt to be very convenient for thoſe of a common Intereſt; but the preſent circumſtances of Affairs were ſuch (as was thought,) that none could be found here who was fit to mannage it, and would undertake it. 2. As to the tryſting at the ſame time, it could not be done without the devulging the Deſign to all Ranks of people, which none would undertake, except theſe already in deſperat Circumſtances, and they could not have generally much influence. 3. The thing was not at all adviſeable for this Kingdom, ſince if any of *Englands* own meaſures miſcarried, they would not ſtur for any ſuch Truſt; and the ſpring of their motions being always at *London*, there might happen an interruption near the appointment, whereof theſe here could have no timous notice, and ſo might keep Tryſt, whereby they would be expoſed a prey; and if they ſhould ſubſiſt any time, or prevail (which was hardly poſſible) the multitude that muſt be imployed, are tainted with ſuch wild and unruly Principles, that if once they got the Sword in their Hands, they would never be brought to Order without a greater force to over-awe them; neither would any expectation of *Argiles* Landing, be a juſt ground for ſuch a Tryſt, conſidering the uncertainty of Sea-Voyages; and if *Argile* were to be the Head, undoubtedly many people would conclude that he were to be ſuſpected of private deſigns, and that reſtoring him, might

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lay him aſide: As alſo, that diſpair might blind his uſual prudence, and prompt him to unſolid, and undigeſted Methods; and ſo it was to be expected, that few of the Gentry (except ſuch as he had ſpecial influence on, or ſuch as were under hard Circumſtances) could embarque with him. 4. As to the ſurpriſing Rulers, *&c.* It was inveigh'd againſt, as an Action not to be thought of amongſt Proteſtants (eſpecially when the very deſign of it was pretended, to ſecure that Religion, which taught its Profeſſors to abhor and deteſt ſuch Principles as Popiſh, yea un-chriſtian) ſince it could not be effectuat without Blood-ſhed of people, ſecure in Peace, which being by all approven, Divines and Caſuiſts condemned as unlawful, and meer Aſſaſſination; it was not to be doubted, that as ſuch a practice would caſt a blot upon the whole Affair, and quite take off any pretence of Defenſive Arms, ſo it would ſcar many from joyning. Theſe things were reaſoned again and again: But I do not remember there was any formal Concluſion made, but the Diſcourſe was let fall; and Mr. *Martin* told us, if any of us had a mind for a ſuit of Armour, he could provide as many as we pleaſed, from one who had made a great many lately, to honeſt men at *London*, of a new faſhion, very light, and at an eaſie Rate; ſo *Torwoodlie* and I gave him our meaſures, E. of *Tarras* told he had a ſuit already; Then *Torwoodlie* ſaid to the E. of *Tarras* and me, we would meet *Polwort* at *Gallowſheils*, and deſired we might Commun with him, anent what we had been Diſcourſing, ſo we haſted away, that if poſſible, we might both get home that Night, it being *Saturnday*, and we unfurniſhed, for ſtaying abroad, and *Torwoodlie* whiſpered me juſt as I was mounting (as I think) that he was not clear we ſhould commun before *Gallowſhiels*, for he was ſometimes too much Good-fellow, or the like; ſo the E. of *Tarras* and I Rod away together, and upon the way we were both of Opinion, that the Suppoſitions we had diſcourſed of, were in effect Propoſitions, and reſolv'd, if they were inſiſted on by *Polwort*, as we ſuſpected, we would adhere to the former Anſwer, and would undertake nothing in theſe methods; When we came to *Gallowſheils*, the Laird was abroad, and *Polwort* was not come, ſo we had thoughts to go away, being both damped with what had paſſed, and inclining to be free of farder medling; but the Lady would by no means hear of our going till her Huſband came, who, ſhe aſſured us, was about the Doors, and ſhe having ſent to call him, he would be in preſently; yet it was ſo late ere he came, that the E. of *Tarras* could hardly have day enough to go home with; ſo *Gallowſheils* would not let him go, and he would not ſtay, unleſs I ſtay'd, ſo we both ſtayed; and not being reſolv'd to Diſcourſe with *Gallowſheils* on what paſſed, we went to the Tavern, on pretence I might call the Baillie, and ſeek Horſes for Lime, and ſtay'd there till *Polwort* came (which ſeemed unknown to *Gallowſheils*) then we returned to *Gallowſheils* Houſe, and after Supper *Polwort* whiſpered the E. of *Tarras* and me, and enquired if we had ſeen Mr. *Martin*; and we having told him we had, he enquired, if we were free to com-

mun on the Affair before *Gallowſheils*, we told, as he thought fit, for we could truſt him; Then he whiſpered *Gallowſheils*, and (as I underſtood afterwards) asked if he was free to commune on matters of great Secrecy and importance with that Company, to which he aſſented, then we ſat down cloſs together, and as I remember, *Polwort* began the Diſcourſe; But ſince I am not able to follow exactly the method of our Conference, or keep the very expreſſions uſed, or repeat all that was ſpoke, or to tell diſtinctly what was every mans part of the Diſcourſe; I ſhall ſet down the Heads, and moſt remarkable Paſſages thereof, that I remember in ſome Articles following; 1. *Polwort* ſignified that he was credibly informed (but I do not remember he named his Informer) that the Countrey party in *England* would draw to the Fields ſhortly, as he heard before *Lambaſs*, wherewith *Gallowſheils* ſeem'd viſibly ſurprized; and being asked, if his Heart fail'd him already, he ſaid he did love it better truly to be walking in his own Parks in Peace, and quiet, than to be medling in ſuch matters; however he aſſured the Company, that if there came any troubleſome world, he would joyn with them firmly; and the E. of *Tarras* ſaid, he wondred to hear of any ſuch Reſolution in *England*, for he took it for a Principle amongſt that Party there, that they ſhould make no ſtir in the Kings Life (which the whole Company owned to be their Opinion and deſire) becauſe that might ſtrengthen the Dukes intereſt; and he ſuſpected it was the project of the Common-wealths men, with whom he believed, few *Scots* Gentlemen would joyn; and he was almoſt perſwaded the *D.* of *Monmouth* would not concur in any riſing during the Kings Life, To which it was anſwered by *Polwort*, that he had indeed heard that principle had been generally agreed to, but it ſeem'd they found, they behoved either to do their buſineſs now, or lay aſide hopes of doing it hereafter, which might be, that if the Charter of *London* were let fall, they would not only loſe all ſafe opportunity of digeſting Matters; but a great part of their ſtrength, and he heard all things were concerted mutually, betwixt *Monmouths* Friends and the Heads of the Commonwealth Party; and tho he heard *Monmouth* was ſhy on that account, yet it was hop'd he would engage, for otherways he would be deſerted by that Party. 2. *Polwart* told us the ſuppoſitions above-written as overtures concerted betwixt our friends at *London*, and the principal men of that Party there; ſo the E. of *Tarras* and I renewed our former anſwers alſo above-written, and maintained them with all our vigour, wherein *Gallowſhiels* joyned forwardly with us; and *Polwart* aſſerted, we went on very good grounds, and he was fully of our opinion, if things were entire, but referr'd it to be conſidered, whether it were better to comply with ſome of theſe methods, tho not ſo proper and juſtifiable as were to be wiſh'd, then to diſappoint the buſineſs totally, which might be of the beſt conſequence to all the Party, yet we did not condeſcend as I remember to undertake any of theſe methods. And there was a further argument adduced againſt the tryſting above-written, *viz.* That it was talked there was a day appointed in *England* lately in

Shafts.

Shaftsberry's time, which did not hold, ſo they were not to be relyed upon. 3. It was propoſed to be conſidered what methods were moſt proper in the Companies opinion for *Scotland* to follow in caſe of *Englands* riſing, whereanent it was ſaid, that all that could be expected or deſired from *Scotland*, was, that upon the certain News of *Englands* being in the Fields, thoſe in the Southern Shires who would own that Party, ſhould preſently riſe, and (how ſoon they could get as many conveen'd as would be able to deal with ſtragling Parties, or any ſudden riſing in the Countrey) march to joyn them, and that it would be fit theſe in the Northern Shires of *England* waited near the Borders for ſuch, and that they had Officers tryſted there to command, and that then it would be ſeaſonable for *Argile* to land in the Weſt, and theſe Parties on the Borders might divert the Forces til he had time to put himſelf in a poſture. Theſe things ſeem'd to be the ſentiments of the whole Company, but were not finally determined till the opinion of others who were to be communed with by *Polwart* were knowen: And it was repreſented, there behoved not to be any wilful and obſtinate adhering to our own thoughts of things, (but an mutual condeſcendance to others concerned,) otherwiſe it were not poſſible to bring a publick Deſign to any good iſſue. 4. All the Company ſeem'd to agree, that they ſhould undertake nothing or move in that Affair, till they had a full and certain account what *England* propoſed, what methods they reſolved to follow there, who were to be their Heads, and that if they deſign'd any attempt on the Kings Perſon, or overturning Monarchy, they would not be forward or clear to joyn: And it being here inſinuated, that the moſt they could do (at leaſt for which there could be any plauſible pretence to juſtifie) was to draw together, and without any act of Hoſtility, ſend Addreſſes to His Majeſty for redreſs of the preſent abuſes of the Government, and for obtaining ſufficient ſecurity againſt the hazard they apprehended to their Religion and Liberties. It was ſaid by *Polwart* that he was apt to think, that was their very deſign, for he had heard it was generally believed by that Party in *England*, that if once they were in a Body, the King would be prevailed with to quite the Duke, to be tryed for Popery, correſpondence with *France*, and acceſſion to the Popiſh Plot, and then if the King were once free from the influence of the Dukes Counſels, they were confident he might be moved to reform their Abuſes, and ſecure their Religion and Liberties for the future to their contentment. 5. It was reſolved, that till we got the foreſaid account from *England*, and were ſatisfied thereanent, and knew others here (who were to be communed with) their Sentiments of what methods were moſt proper for us, in caſe we ſhould undertake, we ſhould n ot meddle further; only it was left to the Earl of *Tarras* and me, if we thought fit to acquaint Sir *William Scot* younger with ſome of the matter of this Conference overly, without taking notice of our Informers, or ſuch an Conference; and it was recommended to all to be enquiring (at ſuch as they had ſome truſt in) indirectly about the affection of our Neighbours, and what Arms there was amongſt them; that if we

ſhould get an ſatisfying account, and reſolve to joyn, we might know where to ſeek Men and Arms ſuddenly; here it was ſaid by *Polwart*, as I think, that if the E. of *Tarras*, *Torwoodlie*, *Gallowſhiels*, and I once took Horſe, he thought the moſt part of the Weſt end of of *Tiviotdale* and *Selkirk* Shire would ſoon come to us, eſpecially, when they heard *England* was riſen, then we tryſted to meet there againſt *Mid-ſummer* Fair, betwixt and which the forſaid account was expected, but in caſe it came to any of our hands ſooner, we promiſed to advertiſe the reſt, that we might meet preſently, if the caſe required; this is the ſubſtance and ſum of what paſſed at the forſaid conference, that I can now rememeber; but I remember, I was likewiſe told theſe following particulars in privat, by *Polwart*, or *Torwoodlie*, (which of them, I cannot diſtinctly tell) the day of the forſaid conference, or within a ſhort time after. 1. That *Polwart* keeped the correſpondence with our friends at *London*, I remember not poſitively of any of them that was named, to be on the entrigue there, except my Lord *Melvil*, Sir *John Cochran*, *Jerviſwood*, and Commiſſar *Monro* (for I hardly knew any of the reſt) and as I think, Commiſſar *Monro* was call'd his correſpondent there. 2. That the Money to be advanced by the *Engliſh* partie to *Scotland* was ready, when Mr. *Martin* came from *London*, and it was expected, that within few days after, it would be diſpatched with ſome confident to *Holland*, (whither by Bills, or in Caſh, I cannot ſay) it was call'd ten thouſand pound Sterlin, and was to be imployed (as I was told) by that confident, at *Argyles* ſight, for buying Arms, providing Ships to tranſport them with *Argyle*, to the Weſt here, and ſuch other Charges. 3. That how ſoon our friends at *London* got notice of the ſafe arrival, of the confident forſaid, and all other things were finally concluded there (which was expected would be about the midle of *June*, as I remember) they would come home, and as they paſſed, would give them, or one of them, an particular account of all reſolutions taken, to be communicat to the reſt, that it was not to be expected by Letters, that behoved to be under figures, and dark expreſſions, and as I remember, they were written as it were about the *Carolina* buſineſs, or ſome houſhold Furniture, as I was told, for I never remember, I ſaw any Letter, either direct to *London*, or ſent from it on that head. 4. I was told there was a Sign, and a Word agreed on by that party, ſo that men might know with whom they might uſe freedom, the Word, as I remember was *Harmony*, and the Sign, the opening two Buttons in the breaſt coat and ſhutting them preſently; this I communicate to the Earl of *Tarras*, but does not mind I ever ſaw it uſed, except when I viſited *Park-Hay* here in Town, about the end of *June*; we diſcourſing a little freely, he asked if I had the Word and Sign of the *Carolina* men, and I having given them, he ſaid ſomething to this purpoſe, that he was afraid that the *Carolina* buſineſs did not go well, for there had been ſome of the Managers expected here (as I think he named *Jerviſwood* or Commiſſar *Monro*) theſe eight days paſt, but there was none come, nor could he learn that any of their Friends had heard from them for ſeveral Poſts. *Polwart*, *Torwoodlie*, and I

met

met at *Gallowſhiels*, on Midſummer Fair, but I mind nothing paſſed but private whiſperings. Dated *September* 15. 1684. and ſubſcrived thus, *James Murray.*

Edinburgh, December 23. 1684.

THe Depoſition above-written being read to the ſaid *James Murray* of *Philiphaugh*, in preſence of the Juſtices and Aſſizers, he adheres thereto in all points upon Oath. *Sic ſubſcribitur*,

James Murray.

Linlithgow, I. P. D.

THe ſaid *James Murray* further depons, That at their meeting at *Gallowſhiels*, it was reſolved, that they ſhould keep up their Ceſs unpayed till their next meeting at Midſummer, which was to be at *Gallowſhiels*, and ſhould deal with all theſe they had influence upon to do the like, and that upon the ſuppoſition mentioned in his Oath given in. It was ſpoke amongſt them that the Troupers Horſes ſhould be ſeized upon, when they were graſing. And this is the truth, as he ſhall anſwer to God. *Sic ſubſcribitur*,

James Murray.

Linlithgow, I. P. D.

Hugh Scot of *Gallowſhiels*, aged 36. Years, married, purged, *&c.* and ſworn. Depons, That the Earl of *Tarras* and *Philiphaugh* did come to the Deponents Houſe, in *May*, 1683. and *Polwart* came likewiſe there, where there were Diſcourſes and Propoſals, that if the *Engliſh* would riſe in Arms, their Friends in the South Shires ſhould riſe with them; and that they ſhould ſeize the Horſes belonging to the Kings Troops where they graſed, and the Town of *Berwick*, and the Caſtle of *Stirling*: And likewiſe it was there diſcourſed anent the late Earl of *Argiles* coming to invade *Scotland*, but becauſe of the uncertainty of Sea Voyages, there was not much ſtreſs laid upon it. Depons, It was alſo propoſed, that ſome of the South Countrey whom they truſted in ſhould be acquainted with it, and that endeavours ſhould be uſed to learn what Arms was in the Countrey. Depons, There was ſome ſuch diſcourſe there, as that the Earl of *Tarras*, *Philiphaugh*, *Torwoodlie*, *Polwart*, and ſome others ſhould draw to Horſe with the firſt when the riſing ſhould be in readineſs, that it might be expected that the South parts of *Teviotdale* and *Selkirk* Shire would joyn with them. And this is the truth, as he ſhall anſwer to God. *Sic ſubſcribitur*, *Hugh Scot.*

Linlithgow, I. P. D.

HIs *Majeſties* Advocat produc'd other Depoſitions, emitted by *Gallowſhiels* before the Lords of the Secret Committee, whereof the Tenor follows.

Edinburgh, the 14 of *September* 1684.

Gallowſheils Depons, that the E. of *Tarras* and *Philiphaugh*, being in his Houſe in *May* 1683. Diſcourſed of an intended riſing in *England*, and of Propoſals made to *Scots* men, to riſe with them, and of *London* in particular, and that *Polwort* was preſent at that Meeting, and told he was ſure the *Engliſhmen* intended ſo, and that it was Diſcourſed at that Meeting amongſt them, that it were fit to ſeize *Berwick* and *Stirling*; and that it was talked amongſt them of bringing the Duke of *York* to Tryal, and that the King would abandon him. *Sic Subſcribitur*,

Hugh Scot.

Perth, Cancel.

Queensberry — *Jo. Drummond.*
George Mckenzie. — *George Mckenzie.*

Edinburgh, *October* 29. 1684.

Sederunt.

Lord Chancellour. — *Lord Preſident.*
Lord Secretary. — *Lord Advocat.*

THe Laird of *Gallowſheils*, Priſoner in the Tolbuith of *Edinburgh*, being Call'd and Examin'd upon Oath, Depons, that in the Moneth of *May* 1683. The E. of *Tarras*, *Hume* of *Polwort* Elder, and Laird of *Philiphaugh*, came to the Deponents Houſe, himſelf being abſent, at his coming home, they were ſpeaking of the Security of the Proteſtant Religion; and of a Party in *England*, who would ſecure, or ſeize the King or Duke, and that if any ſhould riſe in Arms to Defend them, or to reſcue the King and Duke: There was another Party who would riſe in Arms againſt them, it was propoſed, that ſome Countrey-men ſhould be ſpoken to, to try their Reſolutions, and that the Reſolutions of *England* ſhould be told them, to ſee if they would concur. But the Deponent does not remember that this propoſition was approven, or undertaken to be done by any preſent; nor does he remember who mannag'd the Diſcourſe. It was likewiſe propoſed, to ſeize the Officers of State, eſpecially the Chancellour and Theſaurer, and they ſaid, Sir *John Cochran* was to come to the Weſt from *England*, for advancement of the Deſign; and that the Earl of *Argile* was to Land in the Weſt-Highlands, and to raiſe that Countrey. Of theſe matters, all theſe who were preſent Diſcourſed, as of an Affair that they were agitating, and wherein themſelves were particularly concerned, though at that time they did not conclude what their carriage ſhould be; The reaſon why the Deponent cannot be more particulars is, becauſe he was ſometimes going out, and ſometimes walking up and down the Room; and though the Deponent cannot be poſitive of the very words; yet he is poſitive they were either theſe Words, or Words to that purpoſe. *Sic ſubſcribitur*,

Hugh Scot.

Perth Cancellarius.

Edinburgh,

Edinburgh, December 23. 1684.

HUgh *Scot* of *Gallowſheils* being ſolemnly Sworn in preſence of the Juſtices and Aſſize, adheres to the Depoſitions within, and above-written in all points, *Sic ſubſcribitur.*

Hugh Scot.

Linlithgow, I. P. D.

HIs *Majeſties* Advocat in fortification of the former Probation, adduces the Printed Copy of Mr. *William Carſtares* Depoſitions, emitted before the Officers of State, and other Lords of Privy Council, and leaves the ſame to the Aſſiſe, and uſes it as an Adminicle of Probation; for though it was capitulat, that he ſhould not be made uſe of as a Witneſs; yet it was agreed, that the Depoſition ſhould be publiſhed: and likewiſe produces the Principal Depoſition ſigned by himſelf, and the ſaids Lords.

THe Lords, Juſtice-General, Juſtice-Clerk, and Commiſſioners of Juſticiary, admit the Paper produced as an Adminicle, and refers the import thereof to the Inqueſt; and ordains the Printed Paper as it is Collationed, to be taken in, and conſidered by the Inqueſt.

SIr *William Paterſon*, and Mr. *Colin Mckenzie*, Clerks of His *Majeſties* Privy Council being Interrogat, if they heard Mr. *William Carſtares* own the Depoſitions Read, Depons they ſaw and heard him Swear, and own the ſame upon Oath, and they Collationed the Printed Copie with the Original formerly; and now they heard it Collationed, *ſic ſubſcribitur,*

Will. Paterſon. *Colin Mckenzie.*

THe *Depoſition of* Mr. William Carſtares, *when he was Examined before the Lords of Secret Committee, given in by him, and renewed upon Oath; upon the* 22. *of* December 1684. *in preſence of the* Lords *of His* Majeſties *Privy Council.*

Edinburgh Caſtle, *September* 8. 1684.

MR. *William Carſtares* being Examined upon Oath, conform to the Condeſcention given in by him, and on the Terms therein-mentioned; Depons, That about *November*, or *December* 1682. *James Stuart*, Brother to the Laird of *Cultneſs*, wrot a Letter to him from *Holland*, importing, that if any conſiderable ſum of Money could be procur'd from *England*,

that ſomething of importance might be done in *Scotland*: The which Letter, the Deponent had an inclination to inform *Shepherd* in *Abb-Church-lane*, Merchant in *London* of; but before he could do it, he wrot to Mr. *Stuart* above-nam'd to know from him, if he might do it; and Mr. *Stuart* having conſented, he communicat the ſaid Letter to Mr. *Shepherd*, who told the Deponent that he would communicat the Contents of it to ſome perſons in *England*; but did at that time name no body, as the Deponent thinks: Sometime thereafter, Mr. *Shepherd* told the Deponent, that he had communicat the Contents of the Letter above-named, to Colonel *Sidney*, and that Colonel *Danvers* was preſent, and told the Deponent, that Colonel *Sidney* was averſe from imploying the late Earl of *Argile*, or medling with him, judging him a man too much affected to the Royal Family, and inclin'd to the preſent Church-Government; yet Mr. *Shepherd* being put upon it by the Deponent, ſtill urg'd, that one might be ſent to the Earl of *Argile*; but as Mr. *Shepherd* told him, he was ſuſpected upon the account of his urging ſo much; yet afterwards he preſſ'd, without the Deponents knowledge, that the Deponent being to go to *Holland* however, might have ſome Commiſſion to the Earl of *Argile*, which he having inform'd the Deponent of, the Deponent told him, that he himſelf would not be concern'd, but if they would ſend another, he would introduce him; but nothing of this was done: upon which the Deponent went over, without any Commiſſion from any body, to *Holland*, never meeting with *James Stuart* above-nam'd: He was introduc'd to the Earl of *Argile*, with whom he had never before converſ'd; and did there Diſcourſe what had paſt betwixt Mr. *Shepherd* and him; and particularly, about remitting of Money to the ſaid Earl from *England*; of which the ſaid Mr. *Stuart* had written to the Deponent, namely of 30000 pounds *Sterling*; and of the raiſing of 1000 Horſe and Dragoons; and the ſecuring the Caſtle of *Edinburgh*, as a matter of the greateſt importance: The method of doing this was propoſ'd by the Deponent, to be one hour, or thereby, after the relieving of the Guards: But the Earl did not reliſh this Propoſition, as dangerous; and that the Caſtles would fall of conſequence, after the Work abroad was done. *James Stuart* was of the Deponents Opinion for ſeizing the Caſtle; becauſe it would ſecure *Edinburgh*; the Magazins and Arms, as to the 1000 Horſe and Dragoons. My Lord *Argile* was of Opinion, that without them nothing was to be done; and that if that number were rais'd in *England* to the ſaid Earl, he would come into *Scotland* with them; and that there being ſo few Horſe and Dragoons to meet them, he judg'd he might get the Countrey without trouble, having ſuch a ſtanding Body for their Friends to Rendezvous to; and the ſaid Earl ſaid he could ſhow the Deponent the conventient places for Landing, if he underſtood; and as the Deponent remembers, where the Ships could attend. The Deponent remembers not the names of the places. The Deponent ſpoke to the Lord *Stairs*; but cannot be poſitive that he nam'd

nam'd the Affair to him, but found him shy: but the Earl of *Argile* told him, he thought *Stairs* might be gain'd to them: And that the Earl of *Lowdoun* being a man of good Reason, and disobliged, would have great influence upon the Countrey, and recommended the Deponent to Major *Holms* with whom the Deponent had some acquaintance before, and had brought over a Letter from him to the Earl of *Argyle*; but the Deponent had not then communicate any thing to the said *Holms*. *James Steuart* laid down a way of correspondence by Cyphers and false Names, and sent them over to *Holms*, and the Deponent, for their use (which Cyphers and Names, are now in the hands of His *Majesties* Officers, as the Deponent supposes,) and did desire the Deponent earnestly to propose the 30000. pound *Sterling* abovenamed to the party in *England*, and did not propose any less; for as the Earl told the Deponent, he had particularly calculate the Expence for Arms, Ammunition, *&c.* But *James Steuart* said, that if some less could be had, the Earl would content himself, if better might not be; but the Earl always said, that there was nothing to be done without the body of Horse and Dragoons above-mentioned. During the time of the Deponent his abode in *Holland*, tho he had several Letters from *Shepard*, yet there was no satisfactory account, till some time after the Deponent parted from the Earl of *Argyle*, and was making for a Ship at *Rotterdam* to transport himself to *England*. *James Steuart* wrot to him that there was hopes of the Money. The next day after the Deponent came to *England*, he met with Sir *John Cochran*, who, with Commissar *Monro*, and *Jervisswood*, was at *London* before he came over; and depons, that he knows not the account of their coming, more then for the perfecting the Transaction about *Carolina:* and having acquainted Sir *John Cochran* with the Earls demands of the 30000 pound *Sterling* and the 1000. Horse and Dragoons, Sir *John* carried him to the Lord *Russel*, to whom the Deponent proposed the affair, but being an absolute Stranger to the Deponent, had no return from him at that time; but afterwards having met him accidently at Mr. *Shepards* house, where he the Lord *Russel* had come to speak to *Shepard* about the Money abovenamed, as Mr. *Shepard* told the Deponent. The Deponent (when they were done speaking) desired to speak to the Lord *Russel*, which the Lord *Russel* did, and having reiterate the former Proposition for the 30000. pound *Sterling*, and the 1000. Horse and Dragoons, he the Lord *Russel* told the Deponent, they could not get so much raised at the time. but if they had 10000. pound to begin, that would draw People in, and when they were once in, they would soon be brought to more; but as for the 1000. Horse and Dragoons, he could say nothing at the present, for that behoved to be concerted upon the Borders. The Deponent made the same proposal to Mr. *Ferguson*, who was much concerned in the Affair, and zealous for the promoving of it. This Mr. *Ferguson* had in *October* or *November* before, as the Deponent remembers in a Conversation with the Deponent in *Cheap-side*, or the Street somewhere thereabout, said, that for the saving of innocent Blood, it would be necessary to cut off a few, insinuating the King and Duke, but cannot be positive whether he named them or not,

to which the *D*eponent ſaid, that's work for our wild People in *Scotland*, my Conſcience does not ſerve me for ſuch things; after which the Deponent had never any particular diſcourſe with *Fergu-ſon*, as to that matter; but as to the other Affair, *Ferguſon* told the Deponent that he was doing what he could to get it effectuate, as particularly that he ſpoke to one Major *Wildman* who is not of the Deponent his acquaintance. *Ferguſon* blamed always *Sidney*, as driving deſigns of his own. The Deponent met twice or thrice with the Lord *Melvil*, Sir *John Cockran*, *Jerviſwood*, Commiſſar *Monro*, the two *Ceſſnocks*, *Mongomery* of *Langſhaw*, and one Mr. *Veitch*, where they diſcourſed of Money to be ſent to *Argyle*, in order to the carrying on the Affair, and tho he cannot be poſitive the Affair was named, yet it was underſtood by himſelf, and as he conceives by all preſent, to be for riſing in Arms, for rectifying the Government. Commiſſary *Monro*, Lord *Melvil*, and the two *Ceſſnocks* were againſt medling with the *Engliſh*, becauſe they judged them men that would talk, and would not do, but were more inclined to do ſomething by themſelves, if it could be done. The Lord *Melvil* thought every thing hazardous, and therefore the Deponent cannot ſay he was poſitive in any thing, but was moſt inclined to have the Duke of *Monmouth* to head them in *Scotland*, of which no particular method was laid down. *Jerviſwood*, the Deponent, and Mr. *Veitch*, were for taking Money at one of theſe Meetings. It was reſolved, that Mr. *Martin*, late Clerk to the Juſtice Court ſhould be ſent to *Scotland*, to deſire their Friends to hinder the Countrey from Riſing, or taking raſh Reſolutions upon the account of the Council, till they ſhould ſee how matters went in *England*. The ſaid *Martin* did go at the Charges of the Gentlemen of the Meeting, and was directed to the Laird of *Polwart* and *Torwoodlie*, who ſent back word that it would not be found ſo eaſie a matter to get the Gentrie of *Scotland* to concur: But afterwards in a Letter to Commiſſar *Monro*, *Polwart* wrot that the Countrey was readier to concur than they had imagined, or ſomething to that purpoſe. The Deponent, as above-ſaid, having brought over a Key from *Holland*, to ſerve himſelf and Major *Holms*: he remembers not that ever he had an exact Copy of it, but that ſometimes the one, ſometimes the other keeped it, and ſo it chanced to be in his cuſtody when a Letter from the Earl of *Argyle* came to Major *Holms*, intimating, that he would joyn with the Duke of *Monmouth*, and follow his meaſures, or obey his Directions. This Mr. *Veitch* thought fit to communicate to the Duke of *Monmouth*, and for the Underſtanding of it was brought to the Deponent, and he gave the Key to Mr. *Veitch*, who as the Deponent was informed, was to give it and the Letter to Mr. *Ferguſon*, and he to ſhew it to the Duke of *Monmouth*; but what was done in it, the Deponent knows not. The Deponent heard the Deſign of Killing the King and Duke, from Mr. *Shepard*, who told the Deponent ſome were full upon it. The Deponent heard that *Aron Smith* was ſent by thoſe in *England* to call Sir *John Cochran*, on the account of *Carolina*, but that he does not know *Aron Smith*,

nor

or any more of that matter, not being concerned in it. *Shepard* named young *Hamden* frequently as concerned in these Matters.

Signed at *Edinburgh* Castle, the 8. of *September*, 1684. and renewed the 18 of the same Moneth.

William Carstares.

PERTH CANCELL. *I. P. D.*

Edinburgh Castle 18 *September* 1684.

MR. *William Carstares* being again Examined, adheres to his former Deposition, in all the parts of it, and Depones he knows of no Correspondence betwixt *Scotland* and *England*, except by *Martin* before named; for those Gentlemen to whom he was sent, were left to follow their own Methods. *Veitch* sometimes, as the Deponent remembers, stayed sometimes at *Nicolson*, Stablers House, at *London-wall*; sometimes with one Widow *Hardcastle* in *More-fields*. The Deponent did Communicate the Design on foot to Doctor *Owen*, Mr. *Griffil*, and Mr. *Meed*, at *Stepney*, who all concurred in the promoting of it, and were desirous it should take effect; and to one Mr. *Freth* in the Temple, Councellor at Law, who said that he would see what he could do in reference to the Money, but there having gone a Report, that there was no Money to be raised, he did nothing in it; nor does the Deponent think him any more concerned in the Affair. *Nelthrop* frequently spoke to the Deponent of the Money to be sent to *Argyle*, whether it was got or not, but the Deponent used no freedom with him in the Affair. *Goodenough* did insinuate once, that the Lords were not inclined to the thing, and that before, they would see what they could do in the City. The Deponent saw Mr. *Ferguson*, and Mr. *Rumsay*, lurking after the Plot broke out, before the Proclamation, having gone to *Ferguson*, in the back of *Bishopsgate-street*, at some new Building, whether he was directed by *Jervis-wood*, who was desirous to know how things went. *Rumsay* was not of the Deponent his acquaintance before, but they knew as little of the matter as the Deponent. This is what the Deponent remembers, and if any thing come to his Memory, he is to deliver it in betwixt and the first of *October*. And this is the truth, as he shall answer to God.

William Carstares

PERTH, Cancell. *I. P. D.*

At *Edinburgh*, the 22. of *December*, 1684.

THese foregoing Depositions, Subscribed by Mr. *William Carstares* Deponent, and by the Lord Chancellor, were acknowledged on Oath by the said Mr. *William Carstares*, to be his true Depositions; and that the Subscriptions were his, in presence of us Undersubscribers.

William Carstares.

PERTH Cancell.
Queensberry.
Athol.

David Falconer.
George Mckenzie,

His

His *Majesties* Advocat for further probation, adduces the Examinations of Mr. *Shepard*, taken before Sir *Leolin Jenkins* Secretary of State for *England*, with the Information or Depoſition of Mr. *Zachary Bourn*, relating to the Plot, ſign'd by him and Secretary *Jenkins*, of which Depoſitions the tenors follow.

The Examination of Thomas Shepard *of* London *Merchant, taken upon Oath before the Right Honourable Sir* Leolin Jenkins *Knight, His* Majeſties *Principal Secretary of State, the* 23. *day of December.* 1683.

THe Deponent ſaith, That *Ferguſon* told him on, or about the Moneth of *April* laſt, that an Inſurrection was intended both in *England* and in *Scotland*, and that for the ſettling that Affair betwixt the two Nations, Mr. *Baillie*, Mr. *Monro*, Sir *John Cochran*, Sir *Hugh* and Sir *George Campbels*, with ſome others (whoſe names this Deponent heard not) were come to *London*.

That the Deponent had ſome acquaintance with Mr. *Baillie*, Mr. *Monro*, and Sir *John Cochran*, and none at all with Sir *Hugh* and Sir *George Campbels*; that Mr. *Baillie* told the Deponent, that the Earl of *Argile* demanded Thirty Thouſand Pounds of the *Engliſh* to capacitat him to begin the buſineſs effectually in *Scotland*, and that he the ſaid *Baillie* likewiſe told the Deponent, that having concerted things with the Lord *Ruſſel* and others, he the ſaid *Baillie* found an impoſſibility of raiſing that Sum; After which the ſaid *Baillie* had acquainted the Deponent, that they were certainly promiſed Ten Thouſand Pounds, which Sum was agreed to be payed into the Deponents hands, in order to be remitted into *Holland*, for the providing of Arms; and that the ſaid *Baillie* told the Deponent at divers times, that the ſaid Sum, or at leaſt one half of it would be payed ſuch a day, and ſuch a day; and ſometimes asked the Deponent, if he had received any part of the ſaid Money, to which the Deponent replyed that he had not, and that he the Deponent ſcarce thought any would be payed.

And the Deponent alſo ſaith, that having had ſome little converſation with Sir *John Cochran*, he remembers well, that both of them did ſometimes lament the delays in not paying in the Money, and ſaid, that although the ſaid Ten thouſand Pounds were pay'd in, they, the ſaid Sir *John Cochran* and Mr. *Monro*, fear'd it would be too little; and this Deponent further ſayeth not, as to any new matter. But the Deponent being asked, to Explain what he thought was meant by the words above-written, *viz.*, to capacitat him (the Earl of *Argile*) to begin the buſineſs, he, this Deponent ſayeth, that he did underſtand by the Word *buſineſs*, an Inſurrection in *Scotland*. *Sic. Subſcribitur*,

Jurat coram. *Thomas Shepard.*

L. Jenkins.

The

THe Information of *Zachary Bourn* of *London*, Brewer, taken upon Oath, the tenth day of *December* 1683. before the Right honourable Mr. Secretary *Jenkins*.

THe Informant Depoſeth, and ſayeth, that Mr. *Baillie* ſat up one Night, if not two, with Mr. *Ferguſon*, and went ſeveral times in the Evening with him to the Duke of *Monmouth*, and the chief mannagers of the Conſpiracy; That *Ferguſon* told the Deponent, that he the ſaid *Baillie* was the chief man for the *Scots*, next to the Lord *Argile*; that the ſaid *Baillie* did ſit up the greateſt part of one night, with the ſaid *Ferguſon*; at which time this Deponent believeth they were buſie in preparing the intended Declaration, which the Deponent has the more reaſon to believe, in as much as the ſaid *Ferguſon* did go about to ſhow him the Deponent, ſuch a Paper, wherein the ſaid *Ferguſon* was hindered by the coming up Stairs of ſome perſon, to ſpeak with the ſaid *Ferguſon*, that the ſaid *Ferguſon* told the Deponent, that the main buſineſs of the ſaid *Baillie*, in meeting the ſaids Conſpirators, was in order to get from them the Ten thouſand Pounds, promiſed for the buying of Arms, for the Inſurrection intended in *Scotland*.

That the Deponent ſaw Mr. *William Carſtares* come often to the Lodgings of the ſaid *Ferguſon*; but that the ſaid *Ferguſon* never told the Deponent of any Diſcourſe held by him with the ſaid *Carſtares*: and further this Deponent ſaith not. *ſic ſubſcribitur*,

Zac. Bourn.

Jurat coram.
L. Jenkins.

HIs *Majeſties* Advocat likewiſe produced ſeveral Warrands, and Papers to prove, that thoſe Depoſitions are ſign'd by Sir *Leolin Jenkins*.

HIs *Majeſties* Advocat alſo produced the Books of Adjournal, bearing Mr. *William Veitch* to be a Forefault Traitor, and the Act of Parliament whereby the Forefaulture is Ratified.

His Majeſties *Advocat's Speech to the Inqueſt.*

My Lords and Gentlemen,

YOu have now a Conſpiracy againſt His *Majeſties* Sacred Perſon, and Royal Government, ſo fully diſcover'd, that they muſt want Reaſon as well as Loyalty, who do not believe the Diſcovery; and they muſt be enemies to ſincerity, as well as to the King, who do not acknowledge it. Beſide, that the Councils of all the three Nations, thought the proof ſufficient, for Indict-

ing a General Thankſgiving through all theſe Nations; and that the Judges of *England* thought the ſame ſtrong enough to infer Forefaulture of Life and Eſtate, againſt ſome of all Ranks there; you have a Diſcovery made here from the late E. of *Argiles* own Letters, and the Confeſſion of his own Emiſſaries, the two ſureſt proofs that Law ever invented, or the nature of Humane Affairs can allow; and I am this day to add to all this, a new Sett of Proofs in the Proceſs that I now lead againſt this Pannal, from the Confeſſions of Noblemen and Gentlemen, who have heen engaged in this wicked Conſpiracy; and who from a ſenſe of their Guilt, are content freely to Depoſe againſt their neareſt Relation, and their moſt intimate Friend, in which having thus cleared to you, that there was really ſuch a Conſpiracy, I ſhall, in the next place, proceed to prove this Pannals Acceſſion to it.

It cannot be imagined, that we would willingly involve our Countrey men in it, without a Conviction ſtronger then our kindneſs to *Scotland*; nor did His *Majeſties* Servants accuſe this Pannal, without the opinion of the ableſt Lawyers of the Kingdom, who did, with them concur, to think that there was not the leaſt occaſion of doubting left, to the moſt indifferent Inqueiſt of his guilt, after they had ſeriouſly, and with reflection, read over, and pondered the probation now laid before you.

The Perſon accuſed of acceſſion to this Cryme is the Ring-leader of all thoſe, who in this Kingdom concurr'd with the *Engliſh* Conſpirators, as you may ſee by the Teſtimonies of all who have Depoſed; and it was indeed fit and juſt to begin with the moſt guilty, ſo that if he be not convicted, there ſhould no man be puniſhed for this Conſpiracie; all the noiſe we have heard of it, is but a Cheat, the Kings Judges have been Murderers, all the Witneſſes have been Knaves, and ſuch as dyed for it have been Martyrs.

The Acceſſion charged on this Pannal, is not an accidental eſcape, nor is it proved by Witneſſes, who can be ſuſpected of unkindnes to his Perſon, or his Cauſe, for it is a long tract of a continued deſign, gone about with the greateſt deliberation and concern imaginable, and proved by his neareſt Relations, and perſons ſo deeply engadged in that Cauſe, (for which he Suffers,) that they were content with him to venture their Lives and Fortunes in that quarrel. He is not accuſed of a Crime that can amount only to a ſingle Murder, though that be a dreadful Cryme, but a Rebellion, which was to draw upon us a Civil War, that Murder of Murders, in which hundreths of thouſands were to fall; and to Crown all, he was to begin, and to be the chief promoter of a Rebellion, in which one of the firſt ſteps was to kill His Sacred *Majeſtie*, and his Royal Brother; and one of the chief Witneſſes which I have led againſt him, is *Bourn*, which *Bourn* confeſſed that he was to kill the King, and who confeſſes the Pannal ſat up ſeveral nights with *Ferguſon*, the other contriver of the Kings Murder, and ſo familiar was he with him, that

Bourn

Bourn depons, that the ſaid Pannal had been with *Ferguſon*, at the drawing of the *manifeſto*, whereby he was not only to be an Actor, but to be the Juſtifier of that horrid Villanie: and therefore *Bourns* depons, that *Ferguſon*, (the beſt Judge in that caſe) looked upon him as the chief man, next to *Argyle*; But becauſe no man is preſumed to go to ſuch a hight, without previous inclination and motives, I ſhall to convince you, that this Gentleman was very capable of all that was lybelled againſt him, remember you, that he is Nephew, and Son in Law to the late *Wariſtoun*, bred up in his Family and under his Tutory; about the time of this Plot it was undeny-ably known, and is now ſufficiently proved, by two preſent Witneſſes, the Earl of *Tarras* and Commiſſar *Monro*, that he thought himſelf deſperat, knowing himſelf to be guilty of Treaſon by *Blackwoods* Caſe; and as it's preſumable, that a man that's guilty of one point of Treaſon, will commit another; ſo when a man is deſperat as to his Life and Fortune, he is capable of any thing; he was likewiſe animated to commit this Cryme, by the intelligence he had that there was a Plot in *England*, carryed on by men of ſo great Parts, Fortune and Influence, and by the too probable hopes, that they would get all the Weſtern Shires to joyn with them here, becauſe of the common guilt, in which they had engadged themſelves, by their late extravagances, they made an account of an aſſiſtance of twenty thouſand men; and by *Philiphaughs* Depoſition, that theſe Gentlemen expected the concurſe of the Southern-Shires; and thus, I am to prove to you a Cryme, which is in it ſelf, ſo probable and liklie, that it ſhould need little probation, tho I have adduced for your conviction ſufficient evidences, albeit the Cryme were in it ſelf very unliklie.

The Crymes which I hope I have proved, are, That *Jerviſwood* the Pannal tranſacted for Money to the late Earl of *Argyl*, a declared Traitor. 2. That he deſigned to raiſe a Rebellion. 3. That he intercommuned with the Earl of *Argyle* and Mr. *Veitch* declared Traitors. 4. That he was preſent, where it was treated, either that *Argyle* ſhould have Money from the *Engliſh*, and aſſiſtance from *Scotland*, or that a Rebellion ſhould be raiſed, and that he did not reveal the ſamine; and all theſe being found relevant *ſeparatim*, it is ſufficient for me to have proved any one of them. And if a Gentleman was lately found guilty of High-Treaſon, by the opinion of all the Lords of Seſſion, for not revealing, that Sir *John Cochran* ſought fifty pound *Sterling* from him, though he refuſed the ſame, and tho he believed, it was ſought for a charitable ſubſiſtance to preſerve him from ſtarving; what deſerves this Pannal, who ſought thirty thouſand pound *ſterling*, to buy him Arms, to invade his Native Countrey?

That *Jerviſwood* was deſigning to carry on a Rebellion, or at leaſt was acceſſory, or (as our Law terms it) was *Art and Part* thereof, is clearly prov'd; but that in this occult and hidden Crime, which uſes not to be prov'd by clear witneſſes; I may lead you thorow all the ſteps of the Probation, which like the links

of a Chain, hang upon one another. You will be pleaſed to conſider, that 1. It is proved that he deſired a blind Commiſſion to go to *England*, not to manage the affairs of the *Carolina* Company, as he confeſs'd, *but to puſh the People of* England *to do ſomething for themſelves, becauſe they did only talk and not do*; and what he would have them to do, appears too clearly, becauſe he tells the Earl of *Tarras* it was probable, *that if the King were briskly put to it by the Parliament of* England, *he would conſent to exclude the Duke from the Succeſſion*: here is not only a Treaſonable Deſign, (though a deſign be ſufficient in Treaſon) but here are expreſs acts of Treaſon proved, *viz.* The treating with the Earl of *Tarras* upon this Deſign, the ſettling a Correſpondence with him for the proſecution of it, and the writing Letters from *London* to him concerning it, and the ſending down Mr. *Martin* to compleat it by a general Riſing: As he deſign'd to puſh on the *Engliſh*, ſo he proſecutes cloſely this Deſign upon all occaſions. On the Road he complains cunningly and bitterly, that our Lives, Laws and Liberties, and the Proteſtant Religion were in danger, the ſtile and method of all ſuch as deſign to Rebel; after he arrives at *London*, he engages the Conſpirators there to aſſiſt the late Earl of *Argile*, a declar'd Traitor, with Money to buy Arms; this was indeed to puſh the *Engliſh* to do the moſt dangerous things by the moſt dangerous man, and in the moſt dangerous methods. He enters alſo in a ſtrict Correſpondence with *Ferguſon* the Contriver, with *Shepard* the Theſaurer, and *Carſtares* the Chaplain of the Conſpiracy.

Alexander Monro another preſent Witneſs, proves that he argued with him, that it was neceſſary to give *Argile* Money expreſsly for carrying on the Rebellion, and that they did meet at *Jerviſwoods* Chamber where this was ſpoke of, and from which Mr. *Robert Martin* was ſent to their Friends in *Scotland* to know what they would do; and though the ſilly caution was, that they ſent him to prevent their riſing, yet a man muſt renounce common ſenſe, not to ſee that the deſign was to incite them to Rebellion, and to prevent only their doing any thing in this rebellious deſign, by which they might loſe themſelves in a too early and abortive Inſurrection here, till things were ready in *England*. For, 1. This Comiſſion was given him in a place, and by a Company who had been themſelves treating immediatly before of ſending Money to the late E. of *Argile* to buy Arms, and certainly thoſe Arms were to be bought for Men, and not for a Magazine. 2. They were treating how many Men could be raiſed in *Scotland*. 3. *Carſtares* Depoſition bears, that *Martin* was ſent to hinder raſh Reſolutions, till they ſaw how Matters went in *England*, and the return to their Embaſſy bore, that it would not be an eaſie matter to get the Gentry of *Scotland* to concur; but afterwards better hopes of their riſing was given, which could not have been, if the true Commiſſion had not been to raiſe *Scotland*. 4. That Sir *John Cochran* made a Speech to that purpoſe, is expreſsly prov'd, and that *Jerviſwood* ſpoke to the ſame purpoſe, is prov'd by a neceſſary conſequence; for ſince it's prov'd that he ſpoke, and that he did not ſpeak againſt it, it muſt neceſſarily follow that he ſpoke for it, though the Witneſs is ſo cautious,

that

that he cannot condeſcend upon the words now after ſo long a time; and it is againſt Senſe to think, that *Jerviſwood* who in privat preſs'd the ſame ſo much upon Commiſſar *Monro*, and who was the Deacon Conveener here, and who, as Mr. *Martin* their Envoy declared, was the perſon who was to be ſent for the Arms, ſhould not himſelf have been the moſt forward man in that Deſign, but above all *exitus acta probat*, this Commiſſioner, (who being a meer Servant, durſt not have propoſed any thing from himſelf, being a mean Perſon, and being one, who, as the Earl of *Tarras* depoſes, would ſay nothing, but what was in his Paper:) does expreſly declare, that he came from *Jerviſwood* and others; and in the meeting with him, a Rebellion is actually formed, and it is reſolved, they ſhould ſeize the King's Officers of State, Gariſons, and Forces, and that they ſhould joyn with the late E. of *Argyle*, and put their own Forces in a condition to joyn with theſe Forces that were to come from *England*, and they gave a Sign, and a Word, which uſes only to be done in actual War; So here is Treaſon clearly prov'd, by two preſent Witneſſes, from the firſt Deſign to it's laſt perfection.

Nor can it be objected, that they are not concurring Witneſſes, but *teſtes ſingulares* upon ſeparat Acts, for in reiterable Crimes, Witneſſes depoſing upon different Acts; do prove if the deeds tend to the ſame end; as for inſtance, if one Witnes ſhould depoſe, that they ſaw a Traitor ſit in a Council of War, in one place, and in another place, they ſaw him in Arms, or that one ſaw him aſſiſt at a Proclamation in one place, and ſaw him in Arms in another; or that one ſaw him writ a Treaſonable Paper, and another ſaw him uſe it; Theſe Witneſſes are ſtill conſidered as conteſtes, or concurring Witneſſes, and ten or twelve Inqueiſts have ſo found, and upon their Verdict, Rebells have been lately hang'd. The learn'd Judges of *England* being all met together did expreſly find, that one Witnes proving, that A. B. ſaid, that he was going to buy a Knife to kill the King, and another depoſing, that he ſaw him buy a Knife, without telling for what, that theſe two Witneſſes were conteſtes, and prov'd ſufficiently the Cryme of Treaſon, yet there the one Witnes, prov'd only a remote Deſign, and the other an Act, which was indifferent of it's own nature, and became only Treaſonable by the Connexion; But no VVitneſſes ever Depoſed upon things ſo coherent, and ſo connected together, as theſe do, for they depoſe ſtill upon the ſame perſon, carrying on the ſame Deſign of a Rebellion; as to which, in one place, he is exciting his own Nephew, and telling him his Reſolutions, and ſettling a Correſpondence with him, at another time, he preſſes Commiſſar *Monro* to the ſame Rebellion. At a third, He holds a meeting at his own Chamber, and ſpeaks concerning it, and from that meeting, he ſends a Truſty, who formes the Rebellion. Beſides all this, tho two VVitneſſes be ſufficient, I have adduced Mr. *William Carſtares* Chief Conſpirator, and who choos'd rather to ſuffer violent Torture, than to diſcloſe it, he likewiſe Depoſes upon all theſe ſteps, and connects them together, and this his Depoſition is twice reiterated, upon Oath, after much premeditation. And I likewiſe adduce two Depoſitions taken upon Oath, by Sir *Leolin Jenkins*, who

was impower'd by the Law of *England*, and at the command of the King, and the Council of *England*, upon a Letter from His *Majesties* Officers of State here, In which Depoſition, *Shepard*, one of the VVitneſſes, depoſes, that *Baillie* came frequently to him, and deſired him to advance the Money, *and lamented the delays*, and that there was ſo little to be advanced; and who ſhould be better believed then one who was his own Truſtie, and a Perſon who was able to advance ſo great a Sum; *Bourn*, another of the VVitneſſes, Depoſes, that *Ferguſon* told him, that the Pannal ſpoke frequently to him concerning the ſame Money, and that he ſat up ſeveral nights with *Ferguſon* upon the ſaid Conſpiracy; and who ſhould be better believedthen *Ferguſons* confident,and one who was ſo far truſted in the whole affair, that he was to take away that Sacred Life, which Heaven has preſerv'd by ſo many Miracls.

Againſt theſe three Depoſitions, you have heard it objected, that *non teſtimonia ſed teſtes probant*, eſpecially by our Law, in which, by an expreſs Act of Parliament, no Probation is to be led, but in preſence of the Aſſiſe and Pannal. To which it is anſwered, that theſe Depoſitions are not meer Teſtimonies; for I call a Teſtimony, a voluntar Declaration, emitted without an Oath, and a Judge; but theſe Depoſitions are taken under the awe of an Oath, and by the direction of a Judge. 2. *Shepard* was confronted with the Pannal himſelf, and he had nothing to ſay againſt him; whereas the great thing that can be objected againſt Teſtimonies (and by our Statute eſpecially) is, that if the Party who emits the Teſtimony had been confronted with the Pannal; the impreſſion of ſeeing a perſon that was to die, by his Depoſition, would have made him afraid to Depoſe laxly; and the Pannal likewiſe might, by propoſing Interrogators and Queſtions, have cleared himſelf, and ſatisfi'd the Judges in many things Depoſ'd againſt him: But ſo it is that Mr. *Shepard* having been confronted with the Pannal, before the King Himſelf, who is as far above other Judges, in His Reaſon and Juſtice, as He is in His Power and Authority; He Depoſes that the Pannal was the chief Mannager of this Conſpiracy, next to *Argile*, and that he was ſo paſſionat to have this Money to buy Arms, that he lamented the delays; and can it be imagined that Mr. *Shepard* whom he truſted with his Life and his Fortune, and whom all their Party truſted with their Caſh, would have Depoſ'd any thing againſt him that was not true, eſpecially when he knew that what he was to Depoſe, was to take away his Life and his Fortune; or that if the Pannal had been innocent, he would not when he was confronted with Mr. *Shepard*, before the King Himſelf, have roar'd againſt Mr. *Shepard*, if he had not been conſcious to his own Guilt. There is a ſurpriſe in innocence, which makes the innocent exclaim, and it inſpires men with a courage, which enables them to confound thoſe who Depoſe falſly againſt them; and in what occaſion could either of theſe have appear'd, more than in this, wherein this Gentleman was charg'd to have Conſpir'd with the

the greateſt of Raſcals, againſt the beſt of Princes; and that too in preſence of the Prince himſelf, againſt whom he had Conſpir'd, but Guilt ſtupifies indeed, and it did never more than in this Gentlemans Caſe, whoſe ſilence was a more convincing Witneſs than Mr. *Shepard* could be. Mr. *Carſtares* likewiſe knew when he was to Depone, that his Depoſition was to be uſed againſt *Jerviſwood*, and he ſtood more in awe of his love to his Friend, than of the fear of the Torture, and hazarded rather to die for *Jerviſwood*, than that *Jerviſwood* ſhould die by him: How can it then be imagin'd, that if this man had ſeen *Jerviſwood* in his Tryal, it would have altered his Depoſition; or that this kindneſs, which we all admir'd in him, would have ſuffer'd him to forget any thing in his Depoſition, which might have been advantageous in the leaſt to his Friend: And they underſtand ill this hight of Friendſhip, who think that it would not have been more nice and careful, than any Advocat could have been: and if *Carſtares* had forgot at one time, would he not have ſupplyed it at another; but eſpecially at this laſt time, when he knew his Friend was already brought upon his Tryal: and that this renew'd Teſtimony was yet a further confirmation of what was ſaid againſt him; and albeit the Kings Servants were forced to engage, that *Carſtares* himſelf ſhould not be made uſe of as a Witneſs againſt *Jerviſwood*; yet I think this kind ſcrupuloſity in *Carſtares* for *Jerviſwood*, ſhould convince you more than twenty ſuſpect, nay than even indifferent Witneſſes; nor can it be imagined, that the one of theſe Witneſſes would not have been as much afraid of God, and his Oath at *London*, as at *Edinburgh*; and the other in the Council-Chamber in the Forenoon, as in the Juſtice-Court in the Afternoon.

3. The Statute founded on, does not diſcharge the producing of Teſtimonies otherways than after the Jury is incloſ'd; for then indeed they might be dangerous, becauſe the party could not object againſt them: But ſince the Statute only diſcharges to produce Writ, or Witneſſes, after the Jury is incloſ'd; it ſeems clearly to inſinuat, that they ought to prove when they are produc'd in preſence of the Party himſelf, as now they are. And though the Civil Law did not allow their Judges to believe Teſtimonies, becauſe they were confin'd to obſerve ſtrict Law; yet it does not from that follow, that our Juries, whom the Law allows to be a Law to themſelves, and to be confin'd by no Rule, but their Conſcience, may not truſt intirely to the Depoſitions of Witneſſes, though not taken before themſelves, when they know that the Witneſſes, by whom, and the Judges, before whom theſe Depoſitions were emitted, are perſons beyond all ſuſpition, as in our caſe. But yet for all this, I produce theſe Teſtimonies, as Adminicles here only to connect the Depoſitions of the preſent Witneſſes, and not to be equivalent to Witneſſes in this legal Proceſs; albeit, as to the conviction of mankind, they are ſtronger than any ordinary Witneſſes.

When you, my Lords and Gentlemen, remember that it is not the revenge of a privat party, that accuſes in this caſe; and that even in privat Crimes, ſuch as Forgery, or the murder of

Children, *&c.* many Juries here have proceeded upon meer presumptions, and that even *Solomon* himself, founded his illustrious Decision, approv'd by God Almighty, upon the presum'd assertion of a Mother; I hope ye will think two Friends Deposing, as present Witnesses, adminiculated and connected by the Depositions of others, though absent; should beget in you an intire belief, especially against a Pannal, who has been alwayes known to incline this way, and who, though he was desired in the Tolbooth to vindicat himself from those Crimes, would not say any thing in his own defence, and though he offers to clear himself of his accession to the Kings Murder, yet sayes nothing to clear himself from the Conspiracy entered into with the late Earl of *Argile*, for invading his Native Countrey, which is all that I here Charge upon him, and which he inclines to Justifie, as a necessary mean for redressing Grievances; I must therefore remember you, that an Inquest of very worthy Genlemen did find *Rathillet* guilty, tho there was but one Witness led against him, because when he was put to it, he did not deny his accession: And two Rogues were found guilty in the late Circuit at *Glasgow*, for having murdered a Gentleman of the Guard, though no man saw them kill him; but the Murderers having been pursued, they run to the place out of which the Pannals then accused were taken, none having seen the face of the Run-aways; and the Pannals being accus'd, and press'd to deny the accession, shun'd to disown the Guilt, but desired it might be proved against them. This may convince you that there are Proofs which are stronger then Witnesses; and I am sure that there were never more proving Witnesses then in this case, nor were the Depositions of Witnesses ever more strongly adminiculated. Remember the danger likewise of emboldening Conspiracies against the Kings Sacred Life, and of encouraging a Civil War, wherein your selves and your Posterity may bleed, by making the least difficulty to find a man Guilty by the strongest Proofs that ever were adduced in so latent a Crime as a Conspiracy is. And I do justly conclude, that whoever denys that a Conspiracy can be thus prov'd, does let all the World see that he inclines that Conspiracies should be encouraged and allow'd. Our Age is so far from needing such Encouragements, that on the other hand in this, as in all other Crimes, because the Guilt grows frequent and dangerous, the Probation should therefore be made the more easie, tho in this Case the King needs as little desire your Favour, as fear your Justice. And I have insisted so much upon this Probation, rather to convince the World of the Conspiracy, than you that this Conspirator is Guilty.

THereafter the Lords Ordained the Assize to inclose, and return their Verdict to morrow by Nine a Clock in the Morning.

Edinburgh,

Edinburgh, December 24. 1684.

THe ſaid day, The Perſons who paſt upon the Aſſize of Mr. *Robert Baillie* of *Jerviſwood*, return'd their Verdict in preſence of the ſaids Lords; whereof the Tenor follows. The Aſſize, all in one Voice, finds the Crimes of Art and Part in the Conſpiracy, and Plot Libelled; and of concealing, and not revealing the ſame, clearly proven againſt Mr. *Robert Baillie* the Pannal, in reſpect of the Depoſitions of Witneſſes and Adminicles adduced. *Sic ſubſcribitur*, *Strathmore* Chancellor.

AFter opening and reading of the which verdict of Aſſyze, The Lords, Juſtice General, Juſtice Clerk, and Commiſſioners of Juſticiary, therefore, by the mouth of *James Johnſtoun* Dempſter of Court, Decerned and Adjudged the ſaid Mr. *Robert Baillie* of *Jerviſwood* to be taken to the Mercat Croſs of *Edinburgh*, this twentie fourth day of *December* inſtant, betwixt two and four a clock in the afternoon, and there to be hanged on a Gibbet till he be dead, and his Head to be cut off, and his Body to be Quartered in four, and his head to be affixt on the Nether-bow of *Edinburgh*, and one of his Quarters to be affixt on the Tolbooth of *Jedburgh*, another on the Tolbooth of *Lanerk*, a third on the Tolbooth of *Air*, and a fourth on the Tolbooth of *Glaſgow*; And ordains his Name, Fame, Memory, and Honours to be extinct, his Blood to be Tainted, and his Arms to be riven forth, and delate out of the Books of Arms, ſo that his Poſterity may never have Place, nor be able hereafter to bruik, or joyſe any Honours, Offices, Titles or Dignities, within this Realm in time coming; and to have Forfaulted, Ammitted and Tint all and ſundry his Lands, Heritages, Tacks, Steadings, Rooms, Poſſeſſions, Goods and Gear whatſoever, pertaining to him, to Our Soveraign Lords uſe, to remain perpetually with His Highneſs, in Property, which was pronunced for Doom. *Sic ſubſcribitur.* LINLITHGOW. James Foulis, *J. Lockhart*, *David Balfour*, *Roger Hog*, *Al. Seton*, *P. Lyon.*

Extracted *forth of the Books of Adjournal*, *by me* Mr. Thomas Gordon, *Clerk to the Juſtice Court*, ſic ſubſcribitur.

THO. GORDON

In purſuance of which Sentence, His *Majeſties* Heraulds, and Purſevants, with their Coats diſplay'd (after ſound of Trumpets,) Did publickly, in face of the Court (conform to the cuſtom, in the Sentences of Treaſon) in His *Majeſties* Name and Authority, Cancel, Tear and Deſtroy the ſaid Mr. *Robert Baillie* his Arms, threw them in his Face, trampl'd them under foot; And ordain'd his Arms to be expunged out of the Books of Herauldry, his Poſterity to be ignoble, and never to injoy Honour and Dignity in time coming: And thereafter went to the Mercat-Croſs of *Edinburgh*, and ſolemnly Tore and Cancelled the ſaid Mr. *Robert Baillie* his Arms, and affixed the ſamine on the ſaid Mercat-Croſs Reverſed, with this Inſcription; *The Arms of Mr.* Robert Baillie *late of* Jerviſwood *Traitor.*

K

FINIS.